



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, October 26, 2023
Town Hall Hearing Room
6:00 PM

Members of the Board present: Chair Tobin Shulman, 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, Rich Curro, Josepha Luna of Luna Design Group, Jared Gardiner and Nicholas Ryan.

The meeting was called to order at 6:06 PM by Chair Tobin Shulman. Mr. Shulman began by making introductions and explaining the procedure for the public hearings.

Mr. Dufour made a motion to approve the minutes for September 28, 2023 which was seconded by Mr. Russell. All members voted in favor 5-0.

The Board discussed and confirmed the next two meeting dates of November 30th and December 28, 2023.

Mr. Shulman moved onto the first public hearing. He 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, October 26, 2023 at 6:00 p.m. in the Hearing Room, Town Hall to hear all persons interested in the petition for a Section 6 Special Permit request by Richard & Elaine Curro, 11 East Street, Stoneham, Massachusetts to demolish the existing two family house and construct a new two family house at 11 Fuller Street in Stoneham. The existing house has been condemned. The petitioner is requesting that the Board of Appeals grant a Special Permit to reconstruct a two family house subject to the provisions of the Stoneham Town Code Chapter 15, Section 6.2.6 (a) the structure may be reconstructed if it is only as great in volume and area as the original. The existing footprint of the structure covers 20.6% of the lot and the proposed covers 36% of the lot. Additionally, a Section 6 Special Permit is needed for Section 5.2.1 Dimensional Requirements – The required front setback in Residence B is 15 feet. The proposed front setback is 10 feet. A plot plan filed with the petition prepared by P.J.F and Associates dated September 13, 2023 may be seen daily except Friday afternoon in the Office of the Town Clerk.”

The architect for the project, Joseph Luna of Luna Design Group, appeared before the Board to describe the pre-existing, nonconforming, condemned structure. The house has been condemned and needs to be taken down. They are proposing a new two family townhouse style structure on

the street line. They will be pushing the new structure ten feet back. There will be two four bedroom townhouses with a walkout basement in the back. They are over allowed lot coverage.

Mr. Sullivan asked how much redesign it would take to bring it down to 30% coverage. Mr. Sullivan knows they are in Residence B, but he explains that in Residence A the maximum allowed is 30%. Mr. Luna explained that they originally planned 2 car garages in the basement, but during design Mr. Curro wanted finished basements. The side to side along Emerson Street is fixed but maybe they can reduce it by 6%. Maybe they can shorten the depth.

Mr. Shulman asked about siding. Mr. Curro said it would most likely be clapwood with two over two windows.

Mr. Russell asked for clarification on the location of the house. It's currently right on the street on the left corner of the property. It looks like it will be pushed back and centered. Mr. Curro and Mr. Luna agreed. Mr. Curro said they'd be ten feet from neighbors, fifteen off the side which is code and it is ten feet back. Nothing else on the street is code.

Mr. Sullivan asked where the parking is. Mr. Curro stated that driveway would be on side off of Fuller Street. Mr. Sullivan just wanted to make sure off street parking was provided. Mr. Curro stated that it would be.

Mr. Luna mentioned that the neighbors are in support and have provided letters. Mr. Shulman read the letters of support from Linda Leis, Margaret Mansfield, Nume LLC and Jacob Powlovich into the record.

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

Mr. Sullivan stated that he would like it at 30% coverage rather than the proposed 36% coverage. They should make sure there is relief for parking. Mr. Shulman responded that the Board can't give permission for something that isn't asked for. He might have to come back if parking is an issue. The Board can certainly grant relief with the condition of 30% coverage.

Mr. Sullivan made a motion to approve as shown with the caveat that the final plans and final structure be no more than 30% lot coverage. Mr. Sullivan believes it to be a good design, definitely an improvement to the neighborhood and doesn't derogate from the intent of the bylaw. It's actually becoming more conforming. Mr. McLaughlin and Mr. Russell both seconded. A roll call vote was taken. All members voted in favor 5-0.

Next Mr. Shulman read the legal notice for 53 Broadway into the record as follows:

“You are hereby notified that the Stoneham Board of Appeals will hold a Public Hearing Thursday, October 26, 2023 at 6:00 p.m. in the Hearing Room, Town Hall to hear all persons interested in the petition by Jared Gardiner & Leah DeFrancesco, 53 Broadway, Stoneham, Massachusetts to erect a 100 foot long and 8 foot high fence at 53 Broadway. The petitioner is requesting a variance of the Stoneham Town Code Chapter 15, Section 5.2.1 Dimensional

Requirements – The required side setback in Residence A is 10 feet. The proposed fence is up to the property line. A plan of land showing proposed fence prepared by Andrew C. Bramhall Professional Land Surveyor dated September 8, 2023 may be seen daily except Friday afternoon in the Office of the Town Clerk.”

Jared Gardiner, the petitioner, showed the Board some pictures of the 8 foot fence. He mentioned that he had taken down trees and removed stumps to open up the area. The Town’s chain link fence surrounding AP Rounds playground is an eight foot eyesore. He wants to put in a fence the same height so that he cannot see the chain link.

Mr. Sullivan asked why it needs to be eight feet. Mr. Gardiner responded that with a six foot fence they can still see two feet of the Town’s chain link fence and his wife hates it. Mr. Sullivan asked if the chain link fence was there when they purchased the property. Mr. Gardiner stated that there were trees, many of which were rotting so he had them taken down. With the kid’s ball field behind his house, they are just trying to get privacy.

The public hearing was opened. David Rudy of 28 Seward Road spoke in support. He likes that the fence isn’t vinyl and believes it’s a good addition to the neighborhood. With no other public comment, 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 stated that it’s a good addition. It doesn’t derogate from the intent of the bylaw and will allow for privacy from the Town’s ball field. Mr. McLaughlin seconded the motion. A roll call vote was taken and the vote was 4-1 with Mr. Sullivan voting against.

Mr. Shulman read the legal notice for 200 Franklin Street into the record as follows:

“You are hereby notified that the Stoneham Board of Appeals will hold a Public Hearing, THURSDAY EVENING, October 26, 2023 at 6:00 p.m. in the Hearing Room, Town Hall to hear all persons interested in the application by Nicholas D. Ryan of 4 Blueberry Lane, Stoneham, MA, to add a two bedroom unit in the basement at 200 Franklin Street, Stoneham, MA. Section 4.2.3.1 Conversion of an existing dwelling to accommodate more than one dwelling unit requires a variance. Section 4.2.3.1 (b) The minimum lot size for a three-family dwelling in Residence A is 30,000 square feet. The lot size for the proposed is 21257 square feet, requiring a variance. Section 6.3.4.2.(3) requires the aisle width for the driveway for access to the parking spaces to be 24 feet in the case of two-way traffic. The existing driveway is 13.1 feet in width, requiring a variance. Section 6.3.5.2 requires properties that abut the parking lot to be protected from headlight glare by either screening or a wall, barrier or fence, none of which are proposed and a variance will be required. A plan filed with the petition by Marchionda and Associates, L.P. dated September 26, 2023 entitled “Site Plan of 200 Franklin Street Stoneham, MA,” shows the proposed three-family dwelling. Plan may be seen daily except Friday afternoon in the Town Clerk’s office”.

Attorney Charlie Houghton appeared on behalf of his client Nicholas Ryan. He explained that Mr. Ryan had bought the house to rehab it and as he worked on the site it turned into a complete gut job. Mr. Ryan would like to live there but with the cost of the renovation, he can’t afford to

live there unless he can add another unit. He can add a basement apartment without any additions being added to the property. It would become a three family. The neighbors that Mr. Ryan has spoken to like that the house would be owner occupant.

Mr. Houghton handed out photos of all of the work that has been done. Mr. Sullivan stated that Mr. Ryan has done a wonderful job. Mr. Ryan stated that it ended up a full gut job and he can't afford to live there unless he can add the basement apartment.

Mr. Houghton shared letters of support from the immediate abutters. Mr. Ryan mentioned that he had talked to the neighbors about headlight glare and he will put in bushes. Mr. Houghton stated that after the Building Commissioner issued her refusal, they updated the plans reducing seven variances to three.

Mr. Sullivan questioned access to the garage where there was a parking spot shown. Mr. Houghton stated that they would stipulate that the garage would be used for storage not as a garage. Mr. Sullivan mentioned that with the third unit it would require sprinklers. Mr. Houghton agreed and stated it was an additional cost but a safety benefit.

Mr. Houghton mentioned that the only thing making this job feasible is that Mr. Ryan is able to do the work himself. Mr. Sullivan asked what the hardship would be. Mr. Houghton stated that the structure is the hardship due to its age. The shape of the lot. Mr. Houghton continued to say that the structure is close to historical. It was a very old Victorian that needed a lot of TLC. It will be a real asset to the neighborhood. Mr. Houghton read from G.L. c.40A §10 pointing out several times when the word structure is mentioned. Mr. Houghton stated that it doesn't derogate from the intent of the bylaw. 30,000 square feet is required. Mr. Ryan has twenty one and change. That's why the Board is here. He doesn't believe it is a detriment to the neighborhood as the immediate neighbors are in support.

Mr. Ryan tells the Board that he is not looking to condo and sell. He'd like to live there. He spoke to the former owners and they are in support of what he'd like to do.

Mr. McLaughlin asks if they will be condos or apartments. Mr. Ryan stated that they would be apartments.

Mr. Shulman read letters of support from Janet Angelosanto, Ken and Gail Durland and Janet Castiglione, the former owner.

Mary Pecoraro of 5 Walsh Ave spoke against. She is not happy with turning this house into a three family. It is out of character with the neighborhood. She believes that the square footage of 21,257 is too far off the 30,000 square feet that is required. She is not in favor.

Mr. Ryan explained that the basement apartment would be two bedrooms, 1 bath which he would live in. It won't support a family, so when the time comes he would move to a larger unit in the house and rent the basement later. He's not doing anything disgraceful, just rehabbing what was already there. He hasn't changed the footprint. With an additional unit added in the basement, the home will look the same from the outside as it does right now.

Mrs. Pecoraro agreed that the work is fabulous but added that the lot is too small for a three family.

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

Mr. Sullivan stated that he agrees with Mrs. Pecoraro. Mr. Ryan is short on square feet. It doesn't matter that the unit is in the basement. It would still be a three family. There are rules and regulations and we should follow them.

Mr. Dufour stated that it's a unique lot. With what he wants to do, you wouldn't know that it's anything other than a two family. This will allow him to stay in Stoneham. This is what is happening in a lot of neighborhoods. We aren't making land anymore.

Mr. Shulman understands Mr. Sullivan's point, but this would allow a young resident to stay in Stoneham and make it work. Mr. Dufour added that the ship has sailed on the neighborhood. It is changing right ow due to the 259 units being developed at Weiss Farm.

Mr. Shulman added that he's keeping the old, historic building and didn't treat it as a tear down. Several direct abutters are happy.

Mr. Sullivan mentions that there's no more property. People can't move in but that's no reason to overdevelop the property. With tear downs, starter homes disappear but that's a whole different issue. Mr. Sullivan said that it takes a 2/3 vote at Town Meeting to get these bylaws instituted. He believes these bylaws should be adhered to.

Mr. Russell does think the square footage is concerning but he's not making the structure any bigger. In this day and age this request is not unreasonable. Most neighbors are in support and are excited that he's kept the character of the house. It doesn't derogate from the intent of the bylaw.

Mr. Russell made a motion to grant the relief. The hardship is the structure. It is a unique lot. The house has been there for eighty years and is already a two family. He's renovated instead of tearing down and the neighbors are supportive. Mr. Sullivan seconded the motion. A roll call vote was taken. Four members voted in favor with Mr. Sullivan voting against.

A motion to adjourn was made by Mr. Mclaughlin and seconded by Mr. Dufour. All members voted in favor. The meeting adjourned at 7:12 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 of 11 Fuller Street prepared by P.J.F and Associates dated September 13, 2023

A plan of land for 53 Broadway showing proposed fence prepared by Andrew C. Bramhall Professional Land Surveyor dated September 8, 2023

Photos of the eight foot fence at 53 Broadway

A plan by Marchionda and Associates, L.P. dated September 26, 2023 entitled "Site Plan of 200 Franklin Street Stoneham, MA,"

Photos of the renovations being made at 200 Franklin Street