



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

Stoneham Board of Appeals Minutes
Thursday, December 21, 2023
Town Hall Hearing Room
6:00 PM

Members of the Board present: Chair Tobin Shulman, 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, Attorney Charles Houghton, John Peterson, Richard Cameron, Brian Kelly, Richard Bingham, Nicholas Ryan, Mary Pecoraro, and Louis and Carolyn Ferrari.

Also present remotely for the beginning of the meeting: Town Counsel Attorney Robert Galvin

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. McLaughlin led the Pledge of Allegiance.

The Board confirmed their regular meeting for January 25, 2024. Mr. Shulman then moved on to the meeting schedule for the Residences at Spot Pond Comprehensive Permit application. He invited Town Counsel Robert Galvin to speak to the timeline. Attorney Galvin stated that the Board can ask the applicant for an extension and open the public hearing at their regular meeting on January 25th. The Board could also hold a separate hearing on January 18th and if Mr. Dufour is unable to attend he could watch the video and play catch up prior to the next meeting date. Any member is allowed to miss one meeting on the matter provided they watch the video and sign an affidavit to that effect. Mr. Saltzman asked Mr. Galvin if Mr. Dufour could participate remotely. Mr. Galvin stated that would be allowed for any member. The Board set the first hearing date on the matter as January 18, 2024 at 6PM in the Town Hall Hearing Room.

Attorney Galvin indicated that the Board should seek comment from Town departments and Boards as necessary.

Attorney Galvin explained to the Board that during this time they can address the issue of size. They can say that 378 units is too large a project. He does explain, however, that a project of that size would move the Town into the safe harbor area with over 10% affordable units. This essentially provides the Town protection from future 40B applications. The Board was prepared to move forward with the application and thanked Attorney Galvin.

Mr. Shulman moved to the discussion of the 107 William Street decision dated April 5, 2018, specifically the condition requiring the kitchen in the existing structure to be removed. Attorney Houghton asked for clarification on whether the cabinets can stay for storage for the Building Commissioner. He'd like to know what they meant by removal of the kitchen.

Mr. Shulman thought that the cabinets could stay. Mr. Sullivan indicated that the stove is gone but the countertop and the sink are still there. Mr. Saltzman questioned whether the sink is part of the kitchen use. Some garages have sinks. Mr. Shulman mentioned that removing the sink does leave a whole in the counter. Mr. Saltzman made a motion finding that the petitioner met the condition by removing the stove. Mr. Rubin seconded the motion. A roll call vote was taken. All members voted in favor 5-0.

Mr. Shulman read the legal notice for the first public hearing for 92 Montvale Avenue into the record as follows:

“You are hereby notified that the Stoneham Board of Appeals will hold a Public Hearing Thursday, December 21, 2023 at 6:00 p.m. in the Hearing Room, Town Hall to hear all persons interested in the application by John Peterson of Metro Sign and Awning, 170 Lorum Street, Tewksbury, Massachusetts to remove an existing wall sign and to erect a 42.25” x 359.25” wall sign at 92 Montvale Avenue, Stoneham, Massachusetts. The applicant is requesting a variance from the Stoneham Town Code Chapter 15, Section 6.7. The maximum height for a wall sign is 2 feet for building setback of 0-100 feet and maximum square footage is 100 square feet. The proposed sign is 42.25 feet high and 105.41 square feet. Additionally, wall signs in the highway Business District are allowed on the first floor only. The proposed sign is on the top floor. Drawings by Sign System Solutions and a site plan of 92 Montvale Avenue by Allen & Major Associates may be seen daily except Friday afternoon in the Office of the Town Clerk.”

John Peterson of Metro Sign and Rick Cameron of Sign Systems appeared to describe the requested relief. They just want to take down the existing sign and put a similar sign in its place.

Mr. Shulman mentions that the square footage is less with this sign. He asked if the sign is illuminated. Mr. Cameron responded that there are halo lit letters. Mr. McLaughlin explained that they need to make sure that the lights are off by 11PM.

With no members of the public present for 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. Saltzman commented that they are replacing what’s there with different letters. He then made a motion to grant the relief. They are not bringing anything else in. It doesn’t derogate from the intent of the bylaw. Mr. Dufour seconded the motion. A roll call vote was taken. All members present voted in favor 5-0.

Mr. Shulman read the next legal notice into the record as follows:

“You are hereby notified that the Stoneham Board of Appeals will hold a Public Hearing Thursday, December 21, 2023 at 6:00 p.m. in the Hearing Room, Town Hall to hear all persons interested in the application by Ardon Visual Communications, 167 Bow Street, Suite 110, Everett, Massachusetts to erect 3 wall signs and 3 informational signs at 95 Cedar Street, Stoneham, Massachusetts. The applicant is requesting a variance from the Stoneham Town Code Chapter 15, Section 6.7 Table Two. The bylaw allows for one primary wall sign and one secondary wall sign if there is a second entrance. The proposal is for 3 additional wall signs, two

have been approved (one primary and one secondary) for a total of five wall signs. The bylaw also allows for informational signs not to exceed 6 square feet. The proposal is for three informational signs exceeding 6 square feet. Two signs are 6.94 square feet and one is 14.67 square feet. Additionally, the maximum wall sign is not to exceed 100 square feet. One of the proposed wall signs is 190.12 square feet. Drawings for 95 Cedar Street by Darren S. Antle, Professional Engineer dated October 17, 2023 and a Dealer Presentation Package by Kelly Nissan of Woburn may be seen daily except Friday afternoon in the Office of the Town Clerk.”

Richard Bingham of Ardon Visual Communications and Peter with Kelly Auto Group appeared and described the requested relief. They explained that the dealership needed to go through a rebrand and they are looking to refresh the existing signs. Peter explained that one of the signs should be in the interior which was miscommunicated to the Building Commissioner with the permit application.

Mr. Shulman asked if there were any illuminated signs. They said that there are. Mr. McLaughlin reminded them that any illumination would need to be turned off at 11PM.

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

Mr. Rubin stated that the overall square footage is reduced. It’s just a brand refresh. He made a motion to grant the relief. It doesn’t derogate from the intent of the bylaw and would serve the public good. Mr. Dufour seconded the motion. A roll call vote was taken. All members voted in favor 5-0.

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

“You are hereby notified that the Stoneham Board of Appeals will hold a Public Hearing, THURSDAY EVENING, December 21, 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-car garage 35’ x 45’ at 200 Franklin Street, Stoneham, Massachusetts. The applicant is requesting variances of Section 4.2.2.2 and Section 6.3.4.2 (5) and/or to appeal the Building Inspector’s refusal to grant a permit pursuant to Section 7.6.1.1. Section 4.2.2.2 allows accessory uses which are proper and usual with residences and are not injurious to a neighborhood including (a) private garage for not more than three (3) cars. The proposed garage can house more than three (3) cars and is two stories (30’) high) with (2) 12’ high overhead doors. The applicant is also requesting a variance of Section 6.3.4.2 (5) layout that each parking space shall be designed so that any motor vehicle may proceed to and from said parking space without requiring the moving of any other vehicle. A plan filed with the petition by Marchionda and Associates, L.P. dated December 4, 2023, entitled “Proposed Site Plan 200 Franklin Street, Assessor’s Parcel ID 3-0-14 Stoneham, MA,” shows the proposed garage. Plan may be seen daily except Friday afternoon in the Town Clerk’s office.”

Attorney Houghton appeared before the Board on behalf of his client Nicholas Ryan. He had recently been before the Board to add a third unit into the existing two family home. Mr. Ryan decided that he would now like a garage to accommodate parking his work truck and twenty four foot boat. Mr. Houghton explained that when he applied for the building permit he asked for the

structure to be thirty feet which created confusion with the Building Commissioner. Ms. Noble believed he was seeking to build a two story garage. Mr. Houghton explained that it would be one story and the height would be more like twenty feet. Mr. Houghton also thought that the intent of the bylaw isn't very clear. A three car garage is probably wider than what Mr. Ryan is asking for. Mr. Shulman said that you'd be looking at 25 x 36 for a three car garage.

Mr. McLaughlin asked if he would put a bathroom or heat in the garage. Mr. Ryan responded no.

Mary Pecoraro of 5 Walsh Avenue spoke in opposition to the garage. She believed that it was too large a structure. She then asked what was happening to the existing garage and where would the new garage be placed. Mr. Shulman showed Mrs. Pecoraro the plan. Mr. Ryan explained that the Town prefers when the garage can be put in the back. Mrs. Pecoraro then commented on the fact that Mr. Ryan had taken down a beautiful, old Maple tree. Mr. Ryan and most of the neighbors were glad that he took down the tree especially with the wind storms we've had lately. Mr. Ryan also added that he is within the required lot coverage. He is hoping to shelter his truck and boat from the view of his neighbors by building the larger garage.

Mr. Dufour asked if he planned on having any heavy equipment stored. Mr. Ryan responded that it would just be his truck and his boat.

Bill Sullivan of 15 Charles St spoke in opposition as a resident. He pointed out that the structure is 1500 square feet. The size of some houses. He asked why he needs it to be 45 feet long. He then asked where the boat was stored right now. Mr. Ryan responded that he currently pays \$2000 for winterized storage. Mr. Sullivan stated that the garage is too big for a residential neighborhood. Mr. Ryan again mentioned that he's under the lot coverage and this size is in his best interest.

Mr. Saltzman asked if the petitioner would consider a reduced size structure. Mr. Shulman added that 24 x 24 is a standard two car garage and 24 x 36 is conventional for three cars. So 35 x 45 is a pretty large structure. It looks big in context of the neighborhood.

Mr. Houghton asked for a five minute recess at 7:06PM to confer with his client. The meeting was brought back to order at 7:10PM.

Mr. Houghton stated that a width of 35 feet is most important to his client with a depth to 36. Mr. Ryan said that he could shave off 100 square feet, maybe 35 x 35 which would be 1225 square feet.

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

Mr. Saltzman stated that it is a lot of garage. Consideration has been shown for where it's placed on the property by putting it in back. Mr. Rubin added that he understands. If he could fit that size garage on his lot, he would want it too. Especially if such a large structure could be tucked in the back.

Mr. Houghton stated that the bylaw is not specific on what fits in with the neighborhood. He continued to say that the width is tough. They could possibly reduce it to thirty feet. Mr. Ryan added that his direct neighbors were all in favor of the garage as proposed. Mr. Shulman explained that the Board has to consider their obligation to the Town, public property, the neighborhood and welfare of the neighborhood. He explains that building code requires two feet on each side of each door. So four feet plus twelve foot door plus twelve foot door with maybe two feet in between the doors. That brings you to thirty feet of width.

Mr. Dufour asked Mr. Ryan if he could have ten foot doors. He explained that his truck would smash the door. He added that 35 wide by 30 deep might work. Mr. Shulman stated that he would be most comfortable with 30 x 35 with the thirty feet facing the street.

Mr. Saltzman would like to see a maximum height of twenty feet.

Mr. Dufour made a motion to grant the relief with the following conditions:

1. No heavy equipment
2. Twenty foot max to the peak
3. 30 x 35 with 30 feet facing the street and 35 feet deep to the back with 12 foot doors

Mr. Saltzman seconded the motion. A roll call vote was taken. All members voted in favor 5-0.

Mr. Shulman read the legal notice for the final public hearing of the night as follows:

“You are hereby notified that the Stoneham Board of Appeals will hold a Public Hearing THURSDAY EVENING, December 21, 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 3 and 5 Graystone Road Stoneham, Mass. 02180,” dated October 16, 2023, revised November 28, 2023 prepared by Otte & Dwyer, Inc. Land Surveyors. The applicant’s proposal is to construct a single-family dwelling on the vacant lot 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, and the lot width for 5 Graystone Road is 85.77 feet, both lots require a variance of lot width. In addition, 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. 3 Graystone Road is an existing non-conforming two-family dwelling. In accordance with Section 4.2.3.1 (b) the lot area requirement for a two-family is 20,000 square feet. The lot area for 3 Graystone Road is 10,231 square feet. A variance for lot area will be required for 3 Graystone Road. 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.”

Attorney Houghton appeared before the Board on behalf of his clients Louis and Carolyn Ferrari. The Ferraris have owned 3-5 Graystone since 1977. They have paid taxes on 5 Graystone as a buildable lot. 3 Graystone Road was a single family on Main Street that Mr. Ferrari moved and renovated into a two family prior to the bylaw change in 1985. Mr. Houghton doesn’t believe it derogates from the intent of the bylaw. To let the lot lie fallow would be the hardship. It was originally laid out to be a part of the neighborhood as shown on an ANR plan endorsed by the Planning Board.

Mr. Houghton stated that what they are proposing fits in the neighborhood. They can't do anything else with the lot but not build.

With no members of 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. Rubin stated that the lot was buildable back when they bought the property. He made a motion to grant the relief. 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. Four members voted in favor with Mr. Saltzman voting against.

Before adjourning the meeting, Associate member Bill Sullivan wanted to provide clarification to the public. He stated that Patrick Blais had misinformation in a recent Stoneham Independent article stating that the Board of Appeals held to \$150,000 for building permit fees for Weiss Farm Apartments LLC. The Board of Appeals specifically asked for that cap on building permit fees to be stricken from the Final Comprehensive Permit. Mr. Sullivan added that just the building permit fees alone have amounted to \$902,000.

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

The meeting adjourned at 7:43 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:

Letter dated December 18, 2023 from Attorney Charles Houghton requesting clarification of condition number 2 for the Board decision dated April 5, 2018.

Drawings by Sign System Solutions and a site plan of 92 Montvale Avenue by Allen & Major Associates

Drawings for 95 Cedar Street by Darren S. Antle, Professional Engineer dated October 17, 2023 and a Dealer Presentation Package by Kelly Nissan of Woburn

A plan by Marchionda and Associates, L.P. dated December 4, 2023, entitled "Proposed Site Plan 200 Franklin Street, Assessor's Parcel ID 3-0-14 Stoneham, MA,"

A plan entitled "Boundary Survey Sketch 3 and 5 Graystone Road Stoneham, Mass. 02180," dated October 16, 2023, revised November 28, 2023 prepared by Otte & Dwyer, Inc. Land Surveyors