



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, January 25, 2024
Town Hall Hearing Room
6:00 PM

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

Also present: Town Clerk Maria Sagarino acting as Clerk to the Board of Appeals, Attorney Charles Houghton, Tony Coward, Amy Mondello, James Dickey and Micah Amato

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. McLaughlin led the Pledge of Allegiance.

Mr. Saltzman made a motion to approve the minutes from October 26, 2023, November 2, 2023, November 30, 2023 and December 21, 2023. Mr. McLaughlin seconded the motion. A roll call vote was taken. All members present, including Associate member Bill Sullivan, voted in favor 5-0.

The Board chose February 29th for their next regular meeting date.

Mr. Shulman read the legal notice for 78 Elm Street as follows and opened the public hearing:

“You are hereby notified that the Stoneham Board of Appeals will hold a Public Hearing Thursday evening, January 25, 2024 at 6:00 p.m. in the Hearing Room, Stoneham Town Hall to hear all persons interested in the application by Anthony J. Coward and Amy M. Mondello, 78 Elm Street, Stoneham, Massachusetts to remove the required parking proposed at 78 Elm Street. The petitioners are requesting a variance from Stoneham Town Code Chapter 15, Section 6.3.3 – Minimum number of spaces per use. The required parking for a single family dwelling is two (2) spaces. The proposed is to have no parking on site. The Board of Appeals issued a variance on February 9, 2023 to construct a new single family dwelling on the adjacent lot at 80 Elm Street which required the construction of a driveway for required parking at this location. A plan prepared by Benchmark Survey may be seen daily except Friday afternoon in the Office of the Town Clerk.”

The petitioners Tony Coward and Amy Mondello appeared to explain the requested relief. Mr. Coward had previously been before the Board seeking a variance at 78-80 Elm Street. Mr. Coward explains that the code requires two parking spaces per dwelling unit. He also explains that his property is one deed which shows parcel A and parcel B. He had never subdivided the land. Mr. Coward contended that 80 Elm Street shows a 25 x 25 driveway with a two car garage which provided ample parking for both parcels.

Mr. Shulman mentioned that the original plan showed two parking spaces when they were before the Board previously to get their variances. Mr. Shulman asked the petition what exactly he was looking for from the Board. Mr. Coward responded that the two spaces on the original plan is currently green space that he would prefer to keep and not pave over.

Mr. Saltzman asked if when Mr. Coward was before the Board before it was his plan that was submitted. Mr. Coward stated that he had submitted that original plan. Mr. Saltzman then asked why, if he submitted the plan himself, he would now be seeking relief from his own plan. Mr. Coward responded that he only believed he would have to put in the driveway if the property was formally subdivided into two lots.

Mr. Saltzman reminds him that the plan previously submitted showed two driveways when he was looking for relief for the 2nd parcel to be built upon. It appears that you had a different intention a year ago. There is basically no change other than you don't want to do it anymore. Mr. Coward responded that he was making an assumption that with two spaces per dwelling unit, he'd be okay have four total on the property. He felt that with one deed showing two parcels that he wouldn't need a second driveway. He doesn't want to tear up green space if he doesn't have to. He stated that his hardship would be not to tear up his front lawn and put asphalt. Would also like to keep his tree.

Mr. Sullivan asked about the other unit. If tenants are in garage would the neighbor next door have to move one car to get another out? Mr. Sullivan also explained that a hardship is based on the land and the topography. The intent of our bylaw is not to move one car to get to another.

Mr. Saltzman asked why Mr. Coward submitted the plan if he was not going to follow it.

Mr. Coward stated that if he subdivided and sold then he agreed that he'd need the parking, but with his family living there he believes the parking is adequate as it is.

Mr. Saltzman stated that what he is saying to the Board is that he got the house he wanted but now you don't want to put in the driveway you agreed to put in. He continued to state to Mr. Coward that his surveyor put it on the plan at his request. So now you are asking for a variance from relief from your own plan.

At this point Mr. Shulman opened the hearing up to the public.

Jeanne Craigie, 40 Main Street appeared on behalf of Tony Coward and Amy Mondello. She argued that the hardship is the money to put in a new driveway. She believes that 2 driveway spaces and 2 garage spaces can work. It is a busy street. Keeping green space will enhance the neighborhood.

Brian Tague, 82 Elm Street stated that Mr. Coward did a fantastic job. He doesn't agree with insisting on something that doesn't need to be paved. If we don't have to do it, we shouldn't. He also mentions that ZBA member Mike Dufour has a driveway with four cars and sometimes they have to shift the cars around.

Paul and Jamie Canney, 76 Elm Street were in favor of granting the relief.

Mr. Rubin made a motion to close the public hearing which was seconded by Mr. Saltzman. A roll call vote was taken. All members voted in favor 5-0.

Mr. Rubin sees the issue. The variance to build the place included a driveway on the plan. This Board is not making anyone do anything that they didn't propose to begin with. The applicants submitted the plan.

Mr. Saltzman added that the variance that was granted was not ungenerous, allowing the second unit was significant.

Mr. Shulman was sensitive to the point made about the amount of paving in Town. To take away 400 square feet of lawn to create pavement on Elm Street isn't ideal.

Mr. Saltzman added that it wasn't the Board's idea, it was the applicant's idea with the plan he submitted.

Mr. Rubin is sensitive to parking. Kids grow up and get cars. Mr. Saltzman added that shuffling cars around on Elm Street is different than on a side street.

Mr. Sullivan can't remember how much the parking situation factored into the decision. Mr. Saltzman thought there wasn't discussion because parking was shown on the plan provided.

Mr. Sullivan made a motion to grant the requested relief as requested. Mr. Rubin seconded the motion. A roll call vote was taken. All members present voted against 0-5. Petition is denied.

Mr. Shulman read the legal notice for 160 Franklin Street into the record as follows:

"You are hereby notified that the Stoneham Board of Appeals will hold a Public Hearing Thursday evening, January 25, 2024 at 6:00 p.m. in the Hearing Room, Stoneham Town Hall to hear all persons interested in the application by James Dickey on behalf of Lorraine Savage, 160 Franklin Street, Stoneham, Massachusetts to construct 5' x 16', 8.4' x 14.7' and 5.4' x 11.4' open decks at 160 Franklin Street. The petitioner is requesting a variance from Stoneham Town Code Chapter 15, Section 5.2.1 for the 5' x 16' deck. The minimum side setback required in Residence A is 10 feet. The proposed open deck is 5.5' from the side property line. The minimum front setback required in Residence A is 20 feet. The proposed open deck is 8.7' from the front property line. A plan of 160 Franklin Street prepared by Otte & Dwyer Inc, dated November 10, 2023 may be seen daily except Friday afternoon in the Office of the Town Clerk."

James Dickey appeared before the Board and explained the hardship that existed due to the safety of the owner. She needs the accessibility of the side deck to safely exit the property. Mr. Dickey further explained that the owner had passed and the house now belonged to his mother. They have been trying to clean the property up.

Mr. Saltzman asked if given the size and shape of the lot, would there be any other place that you could put the deck. Mr. Dickey responded that there was not. Mr. Saltzman states therefore the size and shape of the lot would be the hardship.

Mr. Sullivan added that the relief requested for the side deck would have a ramp to the doorway.

Bette Biggio appeared on behalf of her sister who now owns the property and gave a brief family history on her nephew's death and the probating of the estate. She explains that they have been cleaning up the property and removing some junk items that had been in the yard.

Mr. Rubin made a motion to close the public hearing which was seconded by Mr. Saltzman.

Mr. Saltzman stated that the shape of the lot creates a hardship. It does not derogate the intent of the bylaw and serves the public good. Mr. Sullivan added that it is pre-existing non-conforming and the deck in the rear meets all setbacks.

Mr. Saltzman made a motion to approve for the previous reasons stated. Mr. Rubin seconded the motion. A roll call vote was taken. All members present voted in favor 5-0.

The Chair read the final legal notice into the record as follows:

“You are hereby notified that the Stoneham Board of Appeals will hold a Public Hearing THURSDAY EVENING, January 25, 2024 at 6:00 p.m. in the Hearing Room, Town Hall to hear all persons interested in the application by Micah A. Amato and Sarah E. Amato of 99 William Street, Stoneham, MA to construct a 32' x 42' two story accessory building to be used as a garage and storage above at 99 William Street, Stoneham, MA. Section 4.3.2.1/4.2.2.2 (A) Accessory uses – Accessory uses are allowed in Residence B accessory to the primary use. The proposed garage is more than double the size of the primary use, which is not an accessory use. Section 4.3.2.1/4.2.2.2 (a) Accessory uses – Private garages are allowed for not more than three cars. The proposed garage can house more than three cars. A plan filed with the petition by Alan C. Nelson, Professional Land surveyor, dated December 3, 2023, entitled, “Proposed Plan” for 99 William Street, Stoneham, MA, and a plan by Abner Miller, Architect, dated 9/6/2023 with revisions through 10/13/2023, shows the proposed two story 32' x 42' garage. Plans may be seen daily except Friday afternoon in the Town Clerk's Office”.

Attorney Houghton appeared on behalf of his client. He explained that Mr. Amato's parents live at 99 William St which is next door to his house at 107. There is no garage and he would like to build one to provide storage. The lot is narrow and seep. There is no room to but a garage but out back. He would like to store snowmobiles. He would like to build a garage with 2 bays which would be 25 feet to the peak. The hardship is the shape of the lot. There is no place else to put the garage. A cultic system would be installed. Windows are for light. They would stipulate that there would be no utilities other than electric.

Mr. McLaughlin asks about the door out back that leads up to the top floor. Why are there 8 windows and a door? Mr. Amato explained that he always fears a fire. He said that there would actually be siding where the door was shown. Mr. McLaughlin asked if it would be heated. Mr. Amato responded no. It would just have electricity. Mr. McLaughlin asked about water. Mr. Amato responded no water.

Mr. Rubin asked if it could be seen from the street. Mr. Houghton said that the property is narrow and deep so it is unlikely. He added the property is 173.87 feet deep by 75. Mr. Sullivan asked about the mean height of the existing structure. Mr. Amato said it's a cape. Mr. Houghton

explained that the garage would be higher than the house. Mr. Amato added that the ground is lower back there. Mr. Amato added that he'd like to store a 30 foot snow mobile trailer. Trailer is 9 feet high. Mr. Sullivan asked about the size of the garage he has on his own property at 107 William Street. Mr. Amato stated that it's about 24 x 38.

Mr. Saltzman asked if he could live with a smaller garage. Mr. Amato explained that too small and he cannot fit the trailer. Mr. Shulman asked about making it shorter for the height. Mr. Amato looked into building a 1 ½ story but the price would be the same so he would rather build bigger.

Mr. Saltzman prefers not to dwarf the house that is there.

Mr. Amato's mother speaks to the houses being built in the neighborhood. She mentions that the new construction nearby are all huge two story houses. The neighborhood is changing. Mr. Sullivan added that one of the houses she is referring to replaced a three story structure.

Mr. Houghton reminds the board that it is Residence B.

Cassie and Clayton Eller at 102 William Street are in support.

Mr. Shulman stated that he'd like to see a smaller structure in height more than depth. The height and width should be decreased.

Mr. Houghton asked about thirty feet wide and twenty feet to the peak. Mr. McLaughlin stated that ten foot doors would fit. Mr. Sullivan asked for confirmation that it's only storage, right? Mr. Amato responded yes. He added that if he is spending all of this money he wants it to be worth it.

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

Mr. Sullivan thinks it is a very large structure. There are ways to make it smaller. The applicant should be willing to change and negotiate. Mr. Saltzman agreed. Others were similarly large and there was compromise to make them smaller and be approved.

Mr. Houghton asked for a five minute recess at 7:00 which was granted. The meeting resumed at 7:04. Mr. Houghton stated that his client would like to come down in size and build 21 feet high, 30 feet wide with a 42 foot depth. Mr. Sullivan asked about restructuring the staircase to cut it down to 30 x 37. Mr. Saltzman stated that it would be a lot of relief even cut down to 21 x 30 x 42. Mr. Shulman agreed but also stated that from his perspective it is about the impact of the visibility in the neighborhood. Mr. Rubin agreed. The garage would be tucked in the back and the property goes far back.

Mr. Rubin made a motion to grant the relief as amended to 21 feet high x 30 feet wide x 42 feet deep. It doesn't derogate from the intent of the bylaw and as amended it serves the public good. Mr. Saltzman seconded. A roll call vote was taken. All members present voted in favor 5-0.

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

The meeting adjourned at 7:09PM.

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 plan of 78-80 Elm Street prepared by Benchmark Survey

A plan of 160 Franklin Street prepared by Otte & Dwyer Inc, dated November 10, 2023

A plan by Alan C. Nelson, Professional Land surveyor, dated December 3, 2023, entitled, "Proposed Plan" for 99 William Street, Stoneham, MA, and a plan by Abner Miller, Architect, dated 9/6/2023 with revisions through 10/13/2023