



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

Stoneham Board of Appeals Minutes
Thursday, April 25, 2024
Town Hall Hearing Room
6:00 PM

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

Also present: Town Clerk Maria Sagarino acting as Clerk to the Board of Appeals, Attorney Charles Houghton, Brenda and Adam Flynn.

The meeting was called to order at 6:02 PM by Vice Chair Robert Saltzman who would be acting Chair in Mr. Shulman's absence. Mr. Saltzman began by making introductions and explaining the procedure for the public hearings. Mr. McLaughlin led the Pledge of Allegiance.

The Board scheduled their next regular meeting for May 23, 2024.

Mr. Saltzman invited Mr. Sullivan to provide the Board with a brief update on Weiss Farm. Mr. Sullivan stated that the pump was installed and they have turned it on for testing purposes. It was turned on for testing to check the flows. He continued to say that he found out about it by accident due to his working in the building department. Mr. Sullivan stated that he had previously reminded Ian Gasco-Wiggins of JN Corcoran & Company that the Board of Appeals is the board in charge of the project. According to the decision from the State and the Comprehensive Permit, all decisions go through the Board. Mr. Sullivan confirmed this with Attorney Galvin. Mr. Saltzman asked what the next event would be on the project. Mr. Saltzman proposed that the board invite them to the meeting next week. Mr. Sullivan believed they should give a monthly update. It was decided that they would invite them at 6PM on May 1st. They would also ask for regular updates. The Board should receive any and all documents relative to this project.

Mr. Saltzman moved to the next item on the agenda. Attorney Houghton was requesting a six month extension for 5 Wolcott Road. The variances were granted on June 22, 2023 and the decision was filed June 30, 2023. Mr. McLaughlin made a motion to grant the extension which was seconded by Mr. Rubin. A roll call vote was taken. All members present voted in favor 5-0.

Mr. Saltzman moved on to the first public hearing and read the legal notice for 18 Chestnut Street into the record as follows:

“You are hereby notified that the Stoneham Board of Appeals will hold a Public Hearing on Thursday, April 25, 2024 at 6:00 p.m. in the Hearing Room, Town Hall to hear all persons interested in the application by Adam & Brenda Flynn, 18 Chestnut Street, Stoneham, Massachusetts to demolish an existing porch and construct a 14' x 17' single story sunroom

addition with a 3' x 10' landing with stairs to the front of the house at 18 Chestnut Street. The petitioners are requesting variances from the Stoneham Town Code, Chapter 15, Section 5.2.1 Dimensional Requirements. The required front setback in Residence B is 15 feet. The proposed setback is 9.4 feet to the front landing. The required side setback in Residence B is 10 feet. The proposed setback is .1 feet. The maximum percent lot coverage in residence B is 20%. The proposed lot coverage is 23.1%. A certified plot plan for 18 Chestnut Street prepared by Richard J. Mede Jr, Professional Land Surveyor dated March 26, 2024 may be seen daily except Friday afternoon in the Town Clerk's Office”.

The petitioner, Adam Flynn, appeared and explained the requested relief being sought to build a new sunroom in front of their house. He also provided the Board with a letter of support from Christopher Roy of 14 Chestnut Street.

Mr. Saltzman asked if the house was considered historic. Brenda Flynn responded that it is not a protected house. She also explained that the porch that they would like to replace was an addition to the house. So even if the house was historical, the porch is not a historic part of the house.

Mr. Saltzman clarifies the relief. He asked if this sunroom addition would be occupying anything in setbacks that wasn't currently being occupied by the existing porch. Mr. Flynn responded no and stated that they were turning the porch into a sunroom instead. Mr. Saltzman asked how much further it was to the street. Mr. Sullivan looked at the plan and responded that it was about six feet. Ms. Flynn stated they would be pulling the porch back.

Mr. Flynn spoke about the back of the house which drops nine feet and the historical plot sitting on the property line with the downhill neighbor. There is a driveway on the other side. Mr. Saltzman asked if this would cause a hardship because there is nowhere else to go due to topography. Mr. Flynn agreed that topography caused a hardship.

Mr. Sullivan asked if the front porch was going to the corner where the front window is. Mr. Flynn stated it was.

Mr. Rubin said it looked like this would be fixing some encroaching on the neighbor's side. Mr. Flynn stated that there are already a lot of problems and they are trying to bring the corner in. Mr. Saltzman commented that it is .1 feet to the good. Mr. Rubin stated that inches matter.

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

Mr. Rubin made a motion to grant the relief. They have a hardship caused by the topography of the lot. It doesn't derogate from the intent of the bylaw and serves the public good. 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 21 Tremont Street into the record as follows:

“You are hereby notified that the Stoneham Board of Appeals will hold a Public Hearing THURSDAY EVENING, April 25, 2024 at 6:00pm in the Hearing Room, Town Hall to hear all persons interested in the application by 21 Tremont Street LLC of 105B Salem Street, Malden,

MA 02148, to demolish all the existing structures and buildings at 21 Tremont Street, Stoneham, Massachusetts and construct a new two-unit Townhouse on the property. Section 4.2.3.1 requires a variance for conversion of the existing dwelling to accommodate more than one (1) dwelling unit; the proposed two-unit dwelling is not a conversion of the existing dwelling but the demolition of the existing building and the construction of a new two-unit townhouse and will require a variance. Section 4.2.3.1 (a) requires that the building be in existence at the time of adoption of this section; the proposed new building is not in existence and will require a variance. Section 4.2.3.1 (b) requires a minimum lot area in Residence A for two units of 20,000 square feet; the proposed lot size is 9,886 square feet and will require a variance. Section 4.2.3.1 (c) requires that the exterior appearance of the structure shall not be altered, except for additions in the rear or side yards, which are not visible from the street and which are not more than ten (10) percent of the original floor area. The existing building is being demolished and a variance will be required. Section 5.2.1 requires frontage in Residence A of 90 feet; the proposed frontage is 84.92 feet; thus, a variance is required. Section 4.2.3.1 requires two spaces for the first proposed unit and an additional three parking spaces for any additional unit. Although six total parking spaces are proposed, two of the parking spaces are tandem, requiring a variance of Section 6.3.4.2(4), which prohibits tandem parking. Plan filed with the petitioner by Benchmark Survey, dated April 1, 2024, entitled, "Plan of Land Showing proposed Foundation 21 Tremont Street Stoneham, Mass.," shows the proposed two- and one-half story Townhouse style duplex. Plan may be seen daily except Friday afternoon in the Town Clerk's Office."

Attorney Houghton appeared on behalf of the petitioners and showed the Board pictures of the property as is. He explained that the house was built in 1869. It is a small house with two bedrooms and is in terrible shape. The parcel has two lots and this house was built in the corner of the property and there was no record of a second house being built. If the board approves this would need to go to Planning Board to create one lot because the deed shows two separate parcels.

Mr. Saltzman asked if there was 47 feet of frontage. Mr. Houghton responded that put together it's over 80 feet. Mr. Houghton continued to say that they are proposing two condos. This is in the Residence A district but there is a two family directly across the street and two others on the street.

Mr. Dufour asked how many bedrooms would be in each unit. Mr. Houghton responded that they would be three bedroom units and they meet the parking requirements.

Mr. Houghton stated that this has to be a tear down. The house is small and extremely dilapidated. The deed shows two parcels on one lot with a survey of 9,860 square feet which doesn't meet the 10,000 square feet.

Mr. Saltzman asked if the owner acquired the house in 2017 and occupied the house themselves.

The Jordans who lived next door explained that they are the neighbors and there was a mother and son living in the house. The mother has been in a nursing home for the last three years. It was the woman's family that built the house.

Mr. Sullivan mentioned that his house looked like that but he fixed it up. Mr. Jordan responded that Mr. Sullivan's house wasn't as bad as this house. This house is horrible.

Mr. Houghton mentioned that with variances a mc mansion could be put up on this lot. It would be better to have two somewhat affordable townhouses. He adds that the housing authority is behind this property and both 26 and 27 are two families.

Mr. Saltzman asked if there were 3 two families on the street. Mr. Houghton responded that 9, 26 and 27 are two family houses.

Mr. Houghton stated that there's no detriment. It would be a huge improvement to what's there now. There is no derogation to the intent of the bylaw. The property will be developed. It's just a question of one big single or two townhouses.

Mr. Saltzman asked about height. Mr. Houghton stated it would be less than 30 feet high. Mr. McLaughlin asked about Turner and Jordan on each side of the house. Mr. Houghton said the side setback complies. Mr. Houghton added that the shape of the lot is very irregular causing a hardship. The street was laid out before the civil war.

Mr. McLaughlin thinks that what's proposed is too big for the property. It's 9,800 and it's supposed to be 20,000.

Mr. Saltzman asked about whether the three two families on the street were on lots less than 20,000 square feet. Mr. Houghton responded that all three are 10,000 or less.

Mr. Dufour remembers voting on the two across the street. He doesn't remember a rendering. He adds that the rendering for this project is tastefully done and would be an improvement to what's there. Mr. McLaughlin still thinks it's too big and doesn't go with the neighborhood.

Mr. Rubin stated that to put a new single family there you'd need the same variances. Mr. Houghton agreed. Mr. Rubin believes that it'd be hard to renovate considering it's tucked in the corner.

Mr. Dufour suggested that even if they built a new single family it would be that size.

Mr. Sullivan stated that for a single family if it meets the setbacks and lot coverage you could just add on to the existing structure.

Mr. Houghton stated that it would be hard to rehab. The duplex is more affordable.

The Board took a brief recess at 6:48 PM to allow Mr. Houghton to speak to his client. The meeting resumed at 7:04 PM.

Mr. Sullivan would like to see a single family home. Mr. Saltzman said that maybe the house might stay and be rehabbed. There aren't that many houses that size being built anymore. Maybe the existing structure could be part of the two family.

Mr. Dufour is in favor of what is proposed. Any new house won't be much smaller. It's not shoehorned in the lot. It fits. Doesn't need setback variances.

Seeing that some members of the Board weren't happy with the proposal in front of the Board, Mr. Houghton asked to withdraw without prejudice. Mr. Rubin made a motion to accept the withdrawal without prejudice. Mr. Dufour seconded the motion. A roll call vote was taken. All members voted in favor 5-0.

Mr. Rubin made a motion to adjourn which was seconded by Mr. Dufour and Mr. Sullivan. All members voted in favor 5-0.

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 certified plot plan for 18 Chestnut Street prepared by Richard J. Mede Jr, Professional Land Surveyor dated March 26, 2024.

A letter of support for 18 Chestnut Street from Christopher Roy of 14 Chestnut Street

A plan by Benchmark Survey, dated April 1, 2024, entitled, "Plan of Land Showing proposed Foundation 21 Tremont Street Stoneham, Mass.," showing the proposed two- and one-half story Townhouse style duplex