



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

Stoneham Board of Appeals Meeting
Thursday, May 23, 2024
Town Hall Hearing Room
6:00 PM

Members of the Board present: Vice Chair Robert Saltzman, Eric Rubin, 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, Attorneys Charles and Patrick Houghton, Rich Curro, Joseph Luna, Troy Sober.

The meeting was called to order at 6:13 PM by Vice Chair Robert Saltzman who would be the acting Chair in Mr. Shulman's absence. Mr. Saltzman began by making introductions and explaining the procedure for the public hearings. He also explained that the two associates present would be sitting in for Mr. Shulman to create a full board for each hearing.

Mr. McLaughlin led the Pledge of Allegiance.

The Board scheduled their next regular meetings for June 20, 2024 and July 25, 2024.

Mr. Dufour made a motion to approve the meeting minutes from January 18, 2024, January 25, 2024, February 28, 2024 & March 20, 2024 which was seconded by Mr. McLaughlin. All regular members present voted in favor 4-0.

For the clarification requested by the Building Commissioner regarding the condition contained in the decision for 11 Fuller Street that the final plans and final structure shall cover no more than 30% of the lot, Mr. Sullivan would sit in as he had voted on the matter. Joseph Luna, the architect for 11 Fuller Street appeared with the owner Richard Curro. Mr. Luna explained to the Board that they interpreted the lot coverage to be the footprint of the structure. They created an overhang on the first and second floors that cantilevered. The Building Commissioner counter this as part of the lot coverage. They were defining the ground floor area and bylaw differently. They asked the Board for clarification.

Mr. Saltzman explained that they have never had a calculation in dispute. The Board is not in a position to weigh in on the Building Commissioner's interpretation of the bylaw. The Board granted the relief with the condition that there would be a maximum lot coverage of 30%. Mr. Saltzman stated that if they are under 30% and the Building Commissioner agrees then it should not be a problem. The Board defers to the Building Commissioner as the enforcement officer of the zoning bylaws. Mr. Sullivan made a motion to close the discussion which Mr. Rubin seconded. Mr. Sullivan then made a motion to take no further action and to defer to the Building Commissioner. All members voted in favor 5-0.

Mr. Saltzman read the first legal notice into the record for 37 Walsh Avenue as follows and asked Mr. Russell to sit in:

“You are hereby notified that the Stoneham Board of Appeals will hold a Public Hearing on Thursday, May 23, 2024 at 6:00 p.m. in the Hearing Room, Town Hall to hear all persons interested in the application by Troy & Julie Sober, 37 Walsh Avenue, Stoneham, Massachusetts to construct an in-ground swimming pool at 37 Walsh Avenue. The petitioners are requesting a variance from the Stoneham Town Code, Chapter 15 Section 6.5.3.1 (a) Pools. In-ground pools shall be enclosed with a six foot fence around the portion of the area where the pool is located and have a self-locking gate. The pool is proposed to have no fencing surrounding the pool. A plot plan of land for 35 Walsh Avenue prepared by Chad R. Pelletier dated November 18, 2023 may be seen daily except Friday afternoon in the Town Clerk's Office”.

The petitioner Troy Sober appeared before the Board to explain the requested relief. He would like to put in an in-ground pool. He is asking the Board to grant a variance for the six foot fence with self-locking gate around the pool that is required under the bylaw. He would instead like to place a State and nationally approved auto cover to satisfy the safety need. He believed he had a hardship because the ledge in his backyard would make it difficult to have the fence enclosing the pool. He also stated that it is more economical to have a safety enclosure instead. He mentions that his property abuts conservation land.

Mr. Saltzman stated that the six foot fence is a safety measure. He then asked if what Mr. Sober is proposing is safer than the fence. Mr. Sober believes that it is equally safe and less challenging to install.

Mr. Saltzman questions the hardship. Mr. Sober reiterated that the ledge creates a hardship as well as the economical aspect.

Mr. Saltzman stated that there might be a problem with this substitution serving the public good. Would this render it less safe than what the bylaw requires? Mr. Saltzman reminded Mr. Sober that the bylaw states that you shall have the fence making it mandatory for the pool. Mr. Sober asked what year the bylaw was adopted. Mr. Saltzman stated that it does not matter. It is in effect now in 2024 and mandatory language doesn't have an alternative.

Mr. Sober argued that what he is proposing has been deemed safe by the State.

Mr. Dufour asked what would happen if the homeowner leaves the cover open. Is it different than the gate of a pool? He suspects it is. Someone might not notice a gate that is open an inch but the open pool would be tempting. Mr. Rubin added that the gates are self-locking and close behind a person.

Mr. Sober stated that the current building code asks for a 48” fence with a 54” safety latch. How would that alternative be received?

Mr. Saltzman stated that what is before the Board is what was presented in the legal notice.

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

All members expressed their concerns for the safety aspect a six foot fence provides around the pool. They were concerned about a child sneaking into the backyard and drowning in a pool inadvertently left uncovered. They were concerned about the cover being kept closed every second the pool was left unattended.

Mr. Dufour made a motion to grant the relief which Mr. Rubin seconded. A roll call vote was taken. All members voted against 0-5. The petition was denied.

Mr. Saltzman moved on to the public hearing for 53 Montvale Avenue and read the legal notice into the record as follows asking Mr. Sullivan to sit in:

“You are hereby notified that the Stoneham Board of Appeals will hold a Public Hearing on Thursday, May 23, 2024 at 6:00 p.m. in the Hearing Room, Town Hall to hear all persons interested in the application by Patrick Mclean, 53 Montvale Avenue, Stoneham, Massachusetts to erect a 48” x 72” free standing LED sign at 53 Montvale Avenue. The petitioner is requesting a variance from the Stoneham Town Code, Chapter 15 Section 6.7.5(g) Prohibited Signs. The proposed sign is an LED changeable sign. Electronic changeable image or video signs are prohibited. A variance is also being requested from Section 6.7 which states that the minimum front setback for a free standing sign in Highway Business District is 20 feet. The proposed sign is 5 feet from the property line (Lindenwood Road). Additionally, a variance is needed for Section 5.3.6.3 which states that there shall not be any structure more than 3 ½ feet in height within 7 feet of the point of intersection on a corner lot which will obstruct the view of a driver. The proposed sign falls within this area and is higher than 3 ½ feet in height. A plot plan of land for 53 Montvale Avenue prepared by PFJ & Associates dated April 9, 2024 may be seen daily except Friday afternoon in the Town Clerk's Office”.

The owner of the property, Patrick McLean, appeared before the board with his business partner Doug Shaw to discuss the requested relief. Mr. Saltzman asked why the need for an LED sign. Mr. Mclean explained that he is an electrician and is just trying to have a modern sign.

Mr. Saltzman pointed out that they are requesting the sign be placed 5 feet from the Lindenwood Road property line. He stated that they are looking for a sign that would obstruct the view of a driver. Mr. Shaw responded that it wasn't their intent to obstruct the view.

Mr. Saltzman explained that sitting on a corner lot this would not be great for entering the roadway. Mr. Dufour asked if it was a tv type of screen and it would be. Mr. Sullivan asked how high it is off of the ground. Mr. McLaughlin wanted to know how many times it would change per hour. It would not change it would stay steady.

Mr. Saltzman opened the meeting to the public. Janine Schon of 2 Rafferty Road abuts the property. She spoke about the corner of Montvale and Lindenwood being deadly. The corner is hazardous to begin with. There are a lot of accidents and people hitting the cemetery wall. This would make it worse.

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

Mr. Saltzman commented that LED is prohibited. The difficulty seeing would create a hardship but he doesn't like where it would be situated. Mr. Rubin also has a problem with the location, Mr. Saltzman stated that is a bad spot for a distraction. Mr. Sullivan believed that you don't need people distracted going from Lindenwood to Montvale or from Montvale to Lindenwood. The wall of the cemetery has been hit. There have even been fatalities in that location. It is not a good location.

Mr. Sullivan made a motion to approve which was seconded by Mr. Rubin. A roll call vote was taken. All members voted against granting the relief 0-5. The relief was denied.

Mr. Saltzman read the legal notice into the record for 467 Main Street as follows and asked Mr. Russell to sit in:

“You are hereby notified that the Stoneham Board of Appeals will hold a Public Hearing on Thursday, May 23, 2024 at 6:00 p.m. in the Hearing Room, Town Hall to hear all persons interested in the application by Michelle Xavier of 4338 Scotts Mill Court, Saugus, Massachusetts to appeal the decision of the Building Commissioner denying the request to add micro blading at 467 Main Street, Stoneham, Massachusetts. In the denial letter, the Building Commissioner cites Stoneham Town Code, Chapter 15 Section 4.5 Business District. Body Art is NOT an allowed use in the Business District. Body Art, as defined in Chapter 15, Section 2.1.7, is only allowed in the Commercial III District. The applicant contends that micro blading is not Body Art. The applicant requests that the Board of Appeals determine that the use of micro blading is an allowed use at the above mentioned location. A copy of the application may be seen daily except Friday afternoon in the Office of the Town Clerk”.

Michelle Xavier, the tenant at 467 Main Street appeared to explain the requested relief. She stated that microblading is not a permanent tattoo. She applies ink with a tiny blade and it can fade after a few months. Mr. Saltzman stated that the definition of Body Art includes tattooing which is permanent and asked Ms. Xavier if a tattoo is permanent. She responded that it is permanent. She added that some of her clients have to come back in 3-4 months, some in as little as 30 days. Mr. Rubin asked if it was just her in the shop. She stated that it is.

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

Mr. McLaughlin made a motion to allow the microblading which is not a permanent tattoo and would not be prohibited. Mr. Rubin seconded the motion. A roll call vote was taken and all members voted in favor 5-0.

Mr. Saltzman read the next legal notice for 72 Central Street into the record as follows and asked Mr. Sullivan to sit in:

“You are hereby notified that the Stoneham Board of Appeals will hold a Public Hearing THURSDAY EVENING, MAY 23, 2024 in the Hearing Room, Town Hall at 7:00 p.m. to hear all persons interested in the application of 72 Central Street LLC for a variance pursuant to Stoneham Town Code, Chapter 15, Section 4.6.3.2 to construct four (4) unit townhomes located at 72 Central Street, Stoneham, MA. A plan by Boston Survey dated January 26, 2024 may be seen daily except Friday afternoon in Town Clerk’s Office”.

Attorney Jim Juliano appeared before the Board representing 72 Central Street LLC perspective buyers of the property. He indicated that his clients would like to build four townhouses. The existing house is very dilapidated. Ms. Wortman, the Town Planner had suggested he seek relief from the Board. After seeking the variance, they will need a special permit and site plan. Mr. Juliano continued to explain that this lot only has frontage on Central Street.

Mr. McLaughlin thinks it is too big for the neighborhood and would like to see three instead of four units. Mr. Dufour noticed that there is no relief needed for setbacks. Mr. Rubin added that it would be two buildings side by side. Mr. Sullivan commented that it would be 28 feet to the top of the dormer with 30 feet of total height.

Mr. Saltzman inquired about the hardship. Mr. Juliano explained that it is zoned commercial business but it is a smaller property and not made for business.

Mr. Dufour questions the need for separating. Why not draw more toward center of the lot.

Mr. Saltzman asked if they had spoken to any neighbors. Mr. Juliano indicated that they talked to one neighbor who had no problem with the use variance.

Mr. Saltzman asked about square footage. Mr. Juliano responded that it would be 2400 square feet. There would be a first and second floor, hall and an attic. Mr. Rubin commented that this still goes before the Planning Board.

Mr. Saltzman opened it up to the public. Dolly Wilson, 181 Central Street thought this was residence B. If it were Residence B how many would be by right for a lot this size. How many units would be allowed? Attorney Houghton answered from the audience that it would be two. Mr. Houghton then asked a procedural question. He wanted to know if 72 Central Street LLC was making this application. Mr. Juliano stated the application is being made by the prospective buyer. Mr. Houghton detailed that he had previously represented 72 Central Street LLC. It had been split zoned and it went to Town Meeting and was approved to be rezoned to all Central Business District which requires half of the first floor be used as commercial.

Mr. Sullivan questions the setbacks. The side setback has to be ten feet in Central Business. This is not meeting the setback requirement.

Maureen Soley, 82 Central Street pointed out that every time you convert 1-2 units to 3-4 it increases traffic in the area. This house might end up looking better but four units would be a lot for this lot.

Mr. Mangano of 70 Central Street lives right next door and stated nobody reached out to him. He agrees with Ms. Soley this will create a lot more traffic.

Dolly Wilson 181 Central Street stated that the house was built in 1789 and makes it the 5th or 6th oldest house in Stoneham. It doesn't look dilapidated. Mr. Saltzman asked if a position has been taken by the Historical Commission. Ms. Wilson is the Chair. No formal position has been taken. Mr. Saltzman asked if there is any thought to the house being saved. Mr. Juliano indicated that traffic is an issue but if you put something by right there would be more traffic with the commercial space. There is less traffic with in and out for residential.

Mr. Saltzman asked if they would be locked into four units. Mr. Juliano just points out residential is better than mixed use.

Mr. Saltzman believes a site visit might make sense. The Board members agree. A site visit is set for June 14th at 1PM

Mr. Saltzman read the first legal notice into the record for 6 Emerald Court as follows and asked Mr. Russell to sit in:

“You are hereby notified that the Stoneham Board of Appeals will hold a Public Hearing THURSDAY EVENING, May 23rd 2024 at 6:00 p.m. in the Hearing Room, Town Hall to hear all persons interested in the application by Steven P. Joyce of 6 Emerald Court, Stoneham, MA 02180, to construct a 14' x 32' single story addition 6 Emerald Court. Section 5.2.1 Dimensional Requirements – The minimum front setback in Residence A is 20 feet. The proposed addition is setback 14.6' from the front property line and will require a variance of section 5.2.1. Plan filed with the petitioner by Edward J. Farrell, dated March 26, 2024, entitled, “Plot Plan 6 Emerald Court Stoneham, Mass.,” shows the proposed single-story addition. Plan may be seen daily except Friday afternoon in the Town Clerk's Office”.

Mr. Saltzman read the legal notice for 21 Tremont Street into the record as follows and asked Mr. Sullivan to sit in:

You are hereby notified that the Stoneham Board of Appeals will hold a Public Hearing THURSDAY EVENING, May 23, 2024 at 6:00 pm 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 (e) 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.

Mr. Saltzman read the next legal notice for 477 Main Street into the record as follows and asked Mr. Russell to sit in:

You are hereby notified that the Stoneham Board of Appeals will hold a Public Hearing THURSDAY EVENING, May 23, 2024 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 renovate the existing structure and to add a two-story addition with open parking below to house seven (7) residential units with eleven (11) parking spaces at 477 Main Street, Stoneham, Massachusetts. The petitioner is requesting variances of the following: Section 4.17.2.1 – Residential use is allowed on all floors but is limited to no more than five (5) dwelling units. The proposed is for seven (7) dwelling units; Section 5.2.1 – The minimum front setback in Business District is 15 feet. The proposed addition is 10.7 feet from the front property line (Linden Street); Section 6.3.3 – The minimum number of parking spaces required for seven (7) units is twelve (12) spaces. The proposed number of spaces is eleven (11); Section 6.3.4.2 (2) – All required spaces must meet the side and rear setbacks. The proposed parking spaces 1-7 do not meet the 10 foot required setback; Section 6.3.4.2 (3) – The minimum aisle width of 24 way traffic is 24 feet. The proposed aisle width is 22 feet; Section 6.5.2.4 – A 4 foot strip of landscaping is required wherever setbacks are required. There is no landscaping strip along the parking lot. A plan filed with the petition by O'Sullivan Architects dated March 22, 2024 and a plan by and Edward Farrell, PLS, dated April 22, 2024 entitled "Plot Plan 477 Main Street Stoneham, Mass." shows the proposed renovation to the existing structure and the addition in the rear of the building. Plan may be seen mornings daily except Friday afternoon in the Town Clerk's Office.

Attorney Houghton appeared before the Board to explain that his client Mike Santullo had purchased 477 Main Street. Initially he thought he might tear it down and build five condos. He has decided to save the house and add on to create seven condos. It is business zoned. The frontage is Linden Street. The house has great bones.

Mr. Santullo shows the Board a rendering as to what it may look like. He spoke about saving the house and adding an addition in the rear which is currently parking.

Mr. Houghton explained that to do this requires several variances to work around what is there. The house occupies a lot of the lot.

Mr. Santullo explained that his initial motivation is to tear down the building to build five townhouses side by side. After getting in and looking he stated that the home is in great condition and described the beautiful staircase. He mentioned that there is cheap vinyl that definitely needs to be ripped off. Mr. Houghton explained that they can't do three bedrooms so they will be two bedrooms which is why there was a change from five to seven units. It will be quite a feat stripping and redesigning creating an expensive project.

Mr. Saltzman asked what year the house was built. Dolly Wilson, Co-Chair of the Historical Commission responded that it was 1875.

Mr. Santullo stated the house was built well. The floors are pretty straight. We will keep the front with some renovation. The front on Linden will need to be torn off and redone. It was a flat roof addition done in the 1980s that needs to go.

Mr. McLaughlin asked if there was any stained glass. Mr. Santullo said no but there are three beautiful fireplaces.

Mr. Saltzman asked if this needs to go to Planning Board. Mr. Houghton stated it would go to Planning Board and Select Board for Site Plan.

Mr. Dufour asked about the roof. Mr. Santullo stated that it is slate.

Ms. Wilson commented that the Gilmore house is on the Historic Register. He had been the town treasurer and a State Rep. Ms. Wilson asked a question about the front façade and if the back piece was higher than the top of the roof. Mr. Santullo said there would be dormers created.

Marcia Wengen spoke about this being an adaptive reuse. She had stepped down from the Historical Commission as a full member in April but remains an alternate member. She explained that being on the historical register is all honor, no hammer. She stated that she supports the project to keep the house intact. She told the people about the mansions that dotted Main Street. There were mansions where Cataldo Ambulance, Good Year Tire and the Stoneham Post Office currently are. They are all gone. This is one of the few remaining. Gilmore was a builder and a mason. He might have built the house next door because they are so much alike. She mentions the many positions he held including insurance business, bank treasurer, town treasurer, State Rep, Senator, Selectman, Assessor, Chief Fire Engineer and a few others. He was one of Stoneham's most prominent and esteemed citizens. She asked this be approved.

Mr. Rubin made a motion to close the public hearing which was seconded by Mr. McLaughlin. All members voted in favor.

Mr. Rubin said that we very rarely save these houses. The façade will stay the same. Mr. Rubin made a motion to grant the relief. It is good for the neighborhood and doesn't derogate from the intent of the bylaw. Mr. Dufour second the motion. A roll call vote was taken. All members voted in favor 5-0

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

The meeting adjourned at 8:27PM.

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 land for 35 Walsh Avenue prepared by Chad R. Pelletier dated November 18, 2023

A plot plan of land for 53 Montvale Avenue prepared by PFJ & Associates dated April 9, 2024

A plan of 72 Central Street by Boston Survey dated January 26, 2024

A plan by Edward J. Farrell, dated March 26, 2024, entitled, "Plot Plan 6 Emerald Court Stoneham, Mass.," shows the proposed single-story addition

A plan 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

A plan by O'Sullivan Architects dated March 22, 2024 and a plan by Edward Farrell, PLS, dated April 22, 2024 entitled "Plot Plan 477 Main Street Stoneham, Mass." shows the proposed renovation to the existing structure and the addition in the rear of the building