



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

**Stoneham Board of Appeals Minutes**  
**Thursday, June 20, 2024**  
**Town Hall Hearing Room**  
**6:00 PM**

Members of the Board present: Chair Tobin Shulman, Vice Chair Robert Saltzman, Eric Rubin, R. Michael Dufour and Associate Members William Sullivan and Mark Russell.

Also present: Town Counsel Attorney Robert Galvin, Town Clerk Maria Sagarino acting as Clerk to the Board of Appeals, Attorney Charles Houghton, Ian Gasco-Wiggin of JM Corcoran Company, Scott Weiss of the Gutierrez Company/Fellsway Development LLC, residents of Executive Drive and Ravine Road, Alejandra Garces of All Matters General Contractors and Robert D'Amelio.

The meeting was called to order at 6:00 PM by Chair Tobin Shulman. Mr. McLaughlin led the Pledge of Allegiance. Mr. Shulman introduced the Board and explained procedure for the public hearing.

The Board confirmed July 25, 2024 as the next meeting date although Mr. Saltzman indicated that he would not be available. They chose August 22<sup>nd</sup> as a tentative date for the following meeting.

Mr. Saltzman made a motion to approve all of the outstanding minutes from March 27, 2024, April 25, 2024, May 1, 2024, May 21, 2024, May 23, 2024, May 30, 2024 and June 6, 2024. Mr. McLaughlin seconded the motion. A roll call vote was taken. All members present voted in favor 5-0.

Mr. Shulman invited Ian Gasco-Wiggin from John M. Corcoran & Company to give an update on the Weiss Farm apartment project. Mr. Gasco-Wiggin gave a brief update, showing photos of some of the site work being done. He explained that the townhomes had been framed and should wrap up by the end of June. He expected the clubhouse to be framed by the beginning of July. Building C work is ongoing right now. Mr. Gasco-Wiggin then talked about the pump station and mentioned that the ditches and culverts had been cleared by the Town. He explained the operation of the pump far during the testing phase. They will run it 8 hours a day for now. It will not be 24/7 until someone can monitor it for the entire day and night. He spoke about the recent clogging of the pump and the mitigation plan to add additional screening surrounding the pump.

Mr. Shulman asked what would prevent the new screen from clogging. Mr. Gasco-Wiggin stated this additional screen is 6 feet high by 15 feet long and should block a greater amount of debris. It will be cleaned weekly

Mr. Saltzman asked what would happen if there was issue with the pump tomorrow at 10. How often is it checked? Mr. Gasco-Wiggin stated that the screening is checked once a week and the pump. Mr. Saltzman thought that a solution might be that if the screen gets clogged that they be remotely informed somehow. Mr. Gasco-Wiggin said the screening is like chicken wire.

Mr. McLaughlin asked if the pump shut down how quickly would the response be. Mr. Gasco-Wiggin said they'd be there within hours. Probably 12 or less. Mr. McLaughlin asked about after it is built. Mr. Gasco-Wiggin stated there would be a maintenance team and it can be checked 24/7.

Mr. Sullivan asked why they wouldn't have a standby pump. Mr. Gasco-Wiggin responded that they could look into a back up. Mr. Sullivan said it would be a simple switch in the cabinet to go from pump A to pump B. He added that the screen can be easily cleaned weekly. You can pull it out and wash it like you do for an air conditioner. He stated that it will need standard maintenance. Mr. Gasco-Wiggin agreed that he made great points. They will take that into consideration and talk to their engineer.

Mr. Shulman said it sounds like the screen should be installed by next meeting. Mr. Gasco-Wiggin agreed and said that he would keep the Board update on the installation. Mr. Shulman thanked Mr. Gasco-Wiggin and asked him to come for another update on July 25<sup>th</sup>.

Before leaving Mr. Gasco-Wiggin showed the Board some renderings of Buildings A & B and the townhomes. Mr. Dufour commented on the brick on the bottom part of the buildings. Mr. McLaughlin asked about the wood product used.

Mr. Shulman moved on to the next agenda item. The Residences at Spot Pond public hearing was heard January 18, 2024, February 28, 2024, March 20, 2024, March 27, 2024, May 1, 2024, May 21, 2024, May 30, 2024 and on June 6, 2024 the public hearing closed. The matter was continued for deliberation and decision by the Board until tonight. Town Counsel had given the Board a final draft to work off of during their deliberations.

Mr. Saltzman commented on the draft decision. He mentioned the \$100,000 that would be given to the Town to be spent in that area as authorized by the Board. He thinks that's a good thing as they have been hearing about traffic for six months.

Mr. Shulman asked Town Counsel if he would like to walk the Board through the decision. Attorney Galvin begins with the introduction where he tried to incorporate everything from the procedure, the description of the project, minutes, governing law, mandatory jurisdictional findings and requested waivers. He stated that the waivers were easily shown in a chart. He explained that there is a file inventory as Exhibit A documenting everything the Board had received in the matter.

Mr. Galvin further explained that a comment from a letter dated June 4<sup>th</sup> by McKenzie Engineering was not incorporated yet. The Board needs to decide if they want a project monitor. He didn't add that condition but it can easily be inserted. Mr. Saltzman asked if that condition was customary. Mr. Galvin responded that it is and allows for some kind of controlled construction monitor to make sure things like the foundation are put in the right spot.

Mr. Saltzman stated they should add the condition that there be a construction monitor. Mr. Galvin stated that it would be easy to just use McKenzie Engineering.

Attorney Galvin told the Board that the decision should be voted on in parts. The first motion would be the jurisdictional findings on page four to the top of page six.

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

For the findings on pages 9-11 Mr. Galvin summarized density, traffic, stormwater and the project as a whole.

Mr. Saltzman made a motion to approve the findings which was seconded by Mr. Dufour and Mr. McLaughlin. A roll call vote was taken. All members voted in favor 5-0.

Attorney Galvin next explains the conditions and the waivers sought. Mr. Shulman asked if the condition for the demolition was appropriate. This would be standard but overseen by the Fire Department and Building Department.

Mr. Shulman asked a few questions about the affordability component. Mr. Saltzman questioned if there were two people, one from Stoneham and one from outside. Mr. Galvin explained that 25% must be affordable units with a required number of one, two and three bedrooms. The Town will be seeking local preference which means the Stoneham resident would have preference over the person living outside of Stoneham who is applying. The units would be perpetually affordable.

Mr. Saltzman made a motion to approve the conditions that was seconded by Mr. Dufour. A roll call vote was taken. All members voted in favor 5-0.

Mr. Galvin explained that the waivers are as per revised plans. There is a paragraph at the end to allow for approval of changes that are de minimus. These would be field changes at the discretion of the Building Commissioner.

Mr. Saltzman made a motion to approve the waivers with the modified language which Mr. McLaughlin seconded. A roll call vote was taken. All members voted in favor 5-0.

Attorney Galvin explained the decision starting on page 11. He read the first paragraph as follows: "The Board hereby approves with the conditions set forth below a Comprehensive Permit for the Project depicted on the plans and materials identified in the record, specifically including Comprehensive Permit Plans (the "Revised Plans") dated November 16, 2023 with a last revision date of May 29, 2024 and consisting of not more than three hundred seventy-eight (378) units of rental housing, twenty-five percent 25% of which shall be Affordable Units as defined herein, pursuant to the terms, conditions and obligations imposed by G.L. 40B, s.20-23. In approving this permit, the Board has concluded that with the conditions imposed, the proposed project is consistent with local needs and will not be rendered uneconomic.

The Record before the Board of Appeals upon which this Decision is based includes all materials submitted by the Applicant, its consultants, Town officials, boards and committees, the public including abutters and other interested parties, the Board's meeting minutes, the Board's consultants, and all other information received by the Board while the public hearing was open. This information is listed on a File Inventory which is incorporated herein by reference and attached herewith as Exhibit A."

Mr. Saltzman questioned the list of documents making sure that the letter from the City of Medford received after the close of the public hearing was not listed. Mr. Galvin acknowledged that it was not.

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

Scott Weiss from The Gutierrez Company addressed the Board. He wanted to thank the Board for all of their time and effort. The Board spent a very reasonable amount of time and they appreciate all of the hard work and thoughtfulness. He added that the review team was very good and thoughtful. He also extended a thank you to the Town departments.

With that matter of the Residences at Spot Pond concluded the Board moved on to the other public hearings for the evening. As Mr. Shulman was not present for 72 Central Street which began on May 23, 2024, he turned the gavel over to the Vice Chair and Mr. Sullivan sat in as the fifth Board member on the matter.

Mr. Saltzman read a letter from Attorney James Juliano requesting that 72 Central Street be continued until the next meeting. Mr. Sullivan comments that the Board could hear it tonight inferring that Attorney Juliano should have been present. Mr. Sullivan then made a motion to continue until July 25, 2024 at 6PM in the hearing room which Mr. Rubin seconded. A roll call vote was taken. All members present voted in favor 5-0.

Mr. Shulman took back the Chair for 240 Hancock Street. 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 on Thursday, June 20, 2024 at 6:00 p.m. in the Hearing Room, Town Hall to hear all persons interested in the application by All Matters General Contractors on behalf of Alejandro Garces & Todd Weekley of 240 Hancock Street, Stoneham for a newly constructed farmer’s porch at 240 Hancock Street. The Building Commissioner has denied final inspection for violations shown in the as-built plan. The petitioner is requesting variances from the Stoneham Town Code, Chapter 15, Section 5.2.1 Dimensional Requirements for the as-built plan. The required front setback in Residence A District is 20 feet. The Board of Appeals granted a variance on July 27, 2023 for a reduced setback of 12.8 feet. The front setback per the as-built for the farmer’s porch is 12.4 feet. Under Section 5.2.1 note 4, the required setback from a street on a corner lot is 15 feet. The Board of Appeals granted a variance for a reduced setback of 13.4 feet. The setback per the as-built for the farmer’s porch is 13.0 feet. An as-built plot plan for 240 Hancock Street by Edward J. Farrell, Professional Land Surveyor dated January 11, 2024 may be seen daily except Friday afternoons in the Office of the Town Clerk.”

Alejandro Garces of All General Contractors appeared before the Board. They had previously been before the Board. When they built the covered porch at the beginning of the year the carpenter tried to center the roof and pushed it out on the sides a little further while also trying to work around the required cultic system. It ended up being a little bigger with the trims, but the new porch is a little smaller. It’s just the sides that are a problem.

Mr. Saltzman remembered the original site visit to check that the porch would not interfere with sight lines. Mr. Sullivan said it doesn’t affect sight lines. If it wasn’t for the as built plan you wouldn’t even notice. Mr. Shulman stated that if it doesn’t impact sight lines it shouldn’t be a problem.

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

Mr. Saltzman stated that they are in de minimus territory and it was a good faith error. Nothing nefarious. It doesn't derogate from the intent of the bylaw and serves the public good. He made a motion to approve which was seconded by Mr. Rubin. A roll call vote was taken. All members voted in favor 5-0.

Mr. Shulman read the legal notice for the final public hearing into the record as follows:

“You are hereby notified that the Stoneham Board of Appeals will hold a Public Hearing on Thursday, June 20, 2024 at 6:00 p.m. in the Hearing Room, Town Hall to hear all persons interested in the application by Robert D'Amelio, 27 Winthrop Street, Stoneham, Massachusetts to construct a 10' x 21.3' pool deck at 27 Winthrop Street. The petitioner is requesting a variance from the Stoneham Town Code, Chapter 15, Section 5.2.1 Dimensional Requirements. The required front setback is 20 feet. The proposed front setback is 13.4 feet. A certified plot plan for 27 Winthrop Street showing proposed pool deck prepared by John J. Russell, Professional Land Surveyor dated May 6, 2024 may be seen daily except Friday afternoon in the Town Clerk's Office.”

Robert D'Amelio appeared before the Board to describe his requested relief. He explained that he was trying to build a deck around his pool. Mr. Shulman asked if the proposed deck was between the garage and pool. Mr. D'Amelio stated that it was. He also explained that although he is on Winthrop Street his frontage is considered to be on Park Street which is causing his problem. Mr. Shulman agreed, it's a two front situation.

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

Mr. Rubin made a motion to approve. The corner lot is creating the hardship. It doesn't derogate from the intent of the bylaw and would serve the public good. Mr. Saltzman seconded the motion. A roll call vote was taken. All members present voted in favor 5-0.

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

The meeting adjourned at 7:27PM.

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:

The Residences at Spot Pond Comprehensive Permit application and exhibits submitted by Fellsway Development LLC

Any and all comments/letters/emails submitted to the Board by Town departments and/or the public

Written comment letters submitted by the three peer reviewers engaged by the Board of Appeals

Written response by The Gutierrez Company/Fellsway Development LLC to peer review comments

Comprehensive Permit Decision including Exhibits which was voted and filed on June 20, 2024.

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

Letter dated June 18, 2024 requesting a continuation of 72 Central Street submitted by Attorney James Juliano

An as-built plot plan for 240 Hancock Street by Edward J. Farrell, Professional Land Surveyor dated January 11, 2024

A certified plot plan for 27 Winthrop Street showing proposed pool deck prepared by John J. Russell, Professional Land Surveyor dated May 6, 2024