



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

Stoneham Board of Appeals Meeting
Thursday, October 24, 2024
Town Hall Hearing Room
6:00 PM

Members of the Board present: Vice Chair Robert Saltzman, R. Michael Dufour, 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, Ian Gasco-Wiggin of JM Corcoran Company.

The meeting was called to order by Vice Chair Robert Saltzman at 6:00 PM who would act as Chair in Mr. Shulman's absence. Mr. McLaughlin led the Pledge of Allegiance. Mr. Saltzman introduced the Board and explained the procedure for the public hearings which Mr. Sullivan would sit on in Mr. Shulman's absence.

After stating that the Board would put the pump station matter aside until there was a full board, Mr. Saltzman invited Ian Gasco-Wiggin of John M. Corcoran & Company to speak to the Weiss Farm insubstantial change requests for the Underground Utility change and LIP subsidiary change. Mr. Gasco-Wiggin explained that the utility pole is at capacity. The fire alarm and telecommunications are underground but need to connect to a pole. They will install a pole as close to the property as they can but the comprehensive permit called for everything to be underground hence the request for the change to add a pole.

Mr. Sullivan asked who would maintain the pole and be responsible for testing the stability. Mr. Gasco-Wiggin stated they would be responsible for the pole but was unclear on who would test for stability. He stated he would talk to consultant and could come back with a recommendation.

Mr. Sullivan made a motion to approve the change as insubstantial. The pole is not considered a structure and they will move it close to the existing pole. Mr. Dufour seconded the motion. A roll call vote was taken. All members voted in favor 4-0 with Mr. Rubin abstaining due to his recusal on the matter.

Mr. Gasco-Wiggin also requested an insubstantial change to the financing. They are changing to a LIP subsidiary. Mr. McLaughlin made a motion to approve which was seconded by Mr. Dufour. All members voted in favor 4-0 with Mr. Rubin again abstaining.

Mr. Saltzman stated that they would hold off on the pump station until November 21st when Mr. Shulman should be present.

Mr. Saltzman moved to the first public of the evening and read the legal notice for 1 Standish Road as follows:

“You are hereby notified that the Stoneham Board of Appeals will hold a Public Hearing Thursday, October 24, 2024 at 6:00 p.m. in the Hearing Room, Town Hall to hear all persons interested in the application by Kevin Barile, 1 Standish Road, Stoneham, Massachusetts to construct a 6’ x 24.9’ porch in the front of 1 Standish Road. The petitioner is requesting a variance of the Stoneham Town Code, Chapter 15, Section 5.2.1 Dimensional Requirements. The required front setback in the Residence A District is 20 feet. The proposed porch front setback is 10.9 feet and the stairs encroach further into the setback. A Plan of Land showing the Proposed Porch at 1 Standish Road prepared by Benchmark Survey dated August 1, 2024 may be seen daily except Friday afternoon in the Town Clerk’s Office.”

Mr. Saltzman invited Kevin Barile to speak to the Board. Mr. Barile explained that his architect is delayed and would provide the better explanation. While waiting for the architect Mr. Saltzman indicated that the Board can see an encroachment and a hardship with the shape of the lot. Mr. Saltzman asked how far the stairs are from the setback. Mr. Barile indicated that they currently sit at ten feet. Mr. Saltzman believed it was 10.9 at the end of the porch. He then decided to table the matter until the architect arrived.

At 6:14, Mr. Saltzman moved to 13 Park 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 Thursday, October 24, 2024 at 6:00 p.m. in the Hearing Room, Town Hall to hear all persons interested in the application by Ericka Mochi, 13 Park Street, Stoneham, Massachusetts to construct a 6’ x 6’ porch in the front of 13 Park Street. The petitioner is requesting a variance of the Stoneham Town Code, Chapter 15, Section 5.2.1 Dimensional Requirements. The required front setback in the Residence A District is 20 feet. The proposed front setback is 10.1 feet. A Plan of Land prepared by Thomas R Bernardi, Professional Land Surveyor dated September 10, 2024 may be seen daily except Friday afternoon in the Town Clerk’s Office.”

Ericka Mochi appeared to describe her requested relief. Mr. Saltzman stated that it appeared that she is looking to go into the setback and asked why she would need to do that. He asked if it was due to the size or shape of the lot or maybe some existing ledge which would cause a hardship.

Ms. Mochi explained that the landing is tight when you open the storm door. They want to create more of a landing.

Mr. Saltzman mentioned that there is 65 feet of frontage which seems reasonable but doesn’t comply with the 90 feet that are currently required. He asks if the narrowness of the lot causes a problem. Ms. Mochi believes that it does. Mr. Saltzman agreed and commented that there would be less of an encroachment than is there now.

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

Mr. Sullivan stated that they are not changing much, just looking for a bigger landing while pushing the stairs to the side. He comments that 6 x 6 is still small and they only had a 16' setback to begin with.

Mr. Rubin made a motion to grant the relief. He stated that the lot is a hardship. Granting the relief doesn't derogate from the intent of the bylaw and with moving the stairs to the side it becomes more conforming. Mr. McLaughlin seconded the motion. A roll call vote was taken. All members voted in favor 5-0.

The Board returns to 1 Standish now that the architect

Mr. Barile's architect explained to the Board that the design of the project was to put a porch on that could be easily utilized by Mr. Barile's son who has a neuromuscular disability. This will allow him to go up and down the stairs more easily. It will allow him a place to hang his back pack. It is 16.9 feet from the front of the house to the lot line.

Mr. Saltzman asked about the end of the stairs to the setback. The architect responded that it is eight feet due to the garage the goes under on the right.

Mr. Rubin asked if the stair at the end goes away or stays. Mr. Barile's architect stated that it would be staying.

Mr. Saltzman opened the meeting to the public. Andrew DelDonno of 7 Standish Road stated that he is in support of the project. James Connell of 8 Country Club Road also spoke in support.

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

Mr. Dufour can see the need for it. The lower step will allow for an easier range with the steps. Mr. Saltzman agreed and mentioned that with all thoughts of a porch there was never a thought to kids needing extra space for the back pack. Mr. Dufour made a motion to approve which was seconded by Mr. McLaughlin. A roll call vote was taken. All members voted in favor 5-0.

Mr. Saltzman 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, October 24, 2024 at 6:00 p.m. in the Hearing Room, Town Hall to hear all persons interested in the application by Foundation Building Materials, the tenant at 100 Fallon Road, to erect a pole sign replacing the existing pole sign. The petitioner is requesting a variance of the Stoneham Town Code, Chapter 15, Section 6.7 Table Two. The maximum square footage for a pole sign is 24 square feet (per side). The proposed sign is 75 square feet (60” x 180”). The side setback required is 10 feet. The proposed sign is setback 3.5 feet, 6.1 feet and 3.5 feet from the side lot lines. Additionally, the maximum height allowed for a freestanding pole sign in the Commercial District is 15 feet. The proposed height is 28 feet. A Plan of 100 Fallon Road prepared by Allen & Major Associates, Inc. dated September 23, 2024 may be seen daily except Friday afternoon in the Town Clerk's Office.”

Miles Mendoza appeared the Board to explain the requested relief. He explained that they had purchased the business from Marjam in April 2023 and inherited the existing sign pole. They are requesting the variance so that they may change out the face of the sign to display their company logo.

Mr. Saltzman asked if the sign would sit in the same spot and if the dimensions and height would remain the same. Mr. Mendoza said that everything would remain the same.

An abutter in the audience asked if the sign would be illuminated and if so, would they have new lighting that was dark sky compliant. Mr. Dufour stated that the sign was internally illuminated. The sign would only be lit during the hours of operation as with the previous decision.

With no further public 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. Sullivan made a motion to approve a continuation of the variance that had previously been granted. Mr. Rubin 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. McLaughlin. All members voted in favor. Before adjourning, Mr. Saltzman wanted to go back to the Weiss agenda item and update the Board on a meeting that he and Mr. Sullivan had had with Bob Griffin of Griffin Engineering who had done the peer review for the Board on the Weiss matter during the 40B process. Mr. Saltzman gave the Board a brief summary. Mr. Griffin mentioned the water from 10 years ago is now going up. He explained that it is like 300 acres of water with a pump that pumps 500 gallons a minute. Not all of the water comes from Weiss Farm. There has been a lot of other development. Mr. Griffin thought the Town would be best served doing a water shed study of the site and downstream, but Mr. Griffin is not interested. He would be willing consult and offer some technical assistance. Mr. Saltzman thought it would be worth pursuing. The Town is in a position where assessing the situation might be prudent. The storms are becoming more violent with more rain than ever. Mr. Sullivan added that global warming is taking over.

Mr. Saltzman stated that they have an evolving problem with migrating waters. Things are not in the same place as they were ten years ago. Who is responsible for making this happen? Is it the State or somebody else? They should determine what problems there are and potential solutions. He continued to say that the pump is set at 160 feet which constitutes an insubstantial change. Maybe the Board doesn't take a position. The State [DEP] has come in and said what's proper. Mr. Saltzman continued to say that we are going to look into getting a proposal from McKenzie Engineering the peer reviewers for the Residences at Spot Pond.

Mr. Sullivan added that the pump is privately held and there is an order of conditions from DEP. The Board should defer to them, but he did agree that they should advocate for the study as a Board. He continued to say that if the private party is satisfied and the State is satisfied, the Board's position is to defer to the State agency regulating that private party.

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

The meeting adjourned at 6:47 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 Plan of Land showing the Proposed Porch at 1 Standish Road prepared by Benchmark Survey dated August 1, 2024.

A Plan of Land prepared by Thomas R Bernardi, Professional Land Surveyor dated September 10, 2024.

A Plan of 100 Fallon Road prepared by Allen & Major Associates, Inc. dated September 23, 2024.