



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 APPEAL**  
781-279-2695

**Minutes**  
**Stoneham Board of Appeals Meeting**  
**Thursday, September 9, 2021**  
**Town Hall Hearing Room**  
**6:00 P.M.**

Members of the Board present: R. Michael Dufour, Robert Saltzman, Chairman Tobin Shulman, Eric Rubin, Kevin McLaughlin

Also present: Board of Appeals Clerk Cathy Rooney, Attorney Charles Houghton representing the petitioner, Frank Petrillo, petitioner.

Meeting was brought to order by Chairman Tobin Shulman at 6:05 PM. Mr. Shulman began the meeting by introducing the board members present and setting out the procedure to be followed and instructions for the public hearing. He explained that they would be hearing a continuation of 22 Wright St as well opening a new public hearing for the same address based on a new application that was filed.

Discussion

577 Main Street

*Represented by Charles Houghton*

Attorney Houghton asks for an extension for the decision on 577 Main St as it had been appealed and recently dismissed in Superior Court. Attorney Houghton asks that the Board grant a six month extension. There is some discussion of where that property is located. Mr. Saltzman makes a motion to grant the six month extension. Motion is seconded by Mr. McLaughlin. Roll call vote taken by the Chair. There was a (5-0) vote in favor.

Rockville Park

*Represented by Charles Houghton*

Attorney Houghton asks for an extension for the decision on Rockville Park which was granted September 9, 2020. Attorney Houghton asks that the Board grant a six month extension. Mr. McLaughlin makes a motion to grant the six month extension. Motion is seconded by Mr. Dufour. Roll call vote taken by the Chair. There was a (5-0) vote in favor.

Public Hearings

22 Wright Street –Continued from May 27, 2021 Meeting

*Represented by Charles Houghton* The Board held a Site Visit September 7, 2021 at 5:00 P.M.

22 Wright Street-New Filing

*Represented by Charles Houghton*

Chairman Tobin Shulman reads the legal notice for new filing as printed on their meeting agenda

“An application has been submitted by Frank Petrillo to grant variances at 22 Wright Street as follows: Section 5.2.1 Dimensional Requirements-note (6)-The required side setback in Residence B for three or more unit is 30 feet. The proposed side setback is 12.9 feet on the south side and 16.2 feet on the north side; Section 5.2.1 Dimensional Requirements- note 6 the required front setback in Residence B for three or more units is 30 feet. The proposed front setback is 6 feet; Section 5.2.1 Dimensional Requirements – note 5; The required lot size in Residence B for 4 units is 14,500 square feet. The lot size for the proposed is 13,978 square feet. The maximum percent coverage in Residence B is 20%; the proposed is 36.5%. Section 5.2.1 Dimensional Requirements – note 7- the minimum frontage and width with three or more units is 150 feet. The frontage and width for the proposed is 121 feet. Section 5.2.1 Dimensional Requirements- note 6- The required rear setback for three or more units is 30 feet. The proposed 8 foot fence is on the property line. Fenced greater than 6 feet must meet the setback requirement; Section 6.3.4.2 – Layout- Required parking spaces shall not be tandem. Parking spaces for the two middle units are tandem. Section 6.5.2.4 Screening and Landscaping- A four foot strip of landscaping is required wherever setbacks are required. The proposed does not meet this requirement in all areas required.”

Attorney Houghton begins by showing a poster with a rendering of the proposed building. He talks about filing the new plan and that they may dispose of the old one. He explains that they moved the building forward a bit. They took all parking and moved it inside the building. There will no longer be parking in the rear. They can fit all of the required parking inside with two spaces being tandem. They were going to put a row of planting in the back but on the site visit they saw mature trees that they think they can save. If more trees are needed they can plant more trees. They are trying to provide privacy for the abutters out back. Mr. Houghton mentions that they have heard about a drainage issue in the back. This project will require an underground infiltration system that will be designed to meet storm management criteria. This will keep any water on site from running onto neighboring sites. An engineer will design the system. This project also requires a Special Permit by the Planning Board and Site Plan approval by the Select Board. Mr. Saltzman asks about measures the engineers might recommend for keeping water on the property. Mr. Houghton responds that they will change the slope of the yard by raising up the yard 12 feet from the lot line. They may need to add a one or two foot high wall.

Mr. Houghton continues by stating that they are seeking a variance for an eight foot fence to alleviate privacy concerns previously mentioned by some of the abutters. The other variances are the same as in the original filing. Mr. Houghton mentions that they looked at other houses on Wright Street to show distance to those structures. The building is 12 feet away but the steps fall half into the setback. They have a sketch showing how this would fit into the neighborhood front setback-wise. This is property is in the Residence B District which allows for multifamily homes. Since last meeting his client has purchased the property. The property itself has vinyl siding and a new roof which are the best issues of the house. Nothing inside meets code. It's not very pretty. In his opinion it is not habitable or salvageable. The code issues are insurmountable. Mr. Saltzman comments that the outside does not prepare you for the inside. Mr. Houghton continues by saying they will remove the garage and an existing shed. Mr. Houghton provides a sketch of what the back will look like. This project proposes four condos and four new homeowners to Stoneham.

The Chairman asks if there are any questions from the Board. Mr. McLaughlin would like to know what type of fence they will be putting up. Mr. Houghton suggests that they would put up whatever the abutters would like. The same for the trees in the back.

Mr. Houghton mentions that a couple of trees may need to be removed including one on the right that is pushing the sidewalk up. Mr. McLaughlin questions whether it might be a town tree and Mr. Houghton states that it's possible.

The Chairman opens the hearing up to public comment. Mr. Shulman begins by reading a letter from Alice & William Twohig, 43 Lincoln Street in opposition of the project into the record. Upon completion of the reading Mr. Shulman indicates that he will give Attorney Houghton & Petitioner Frank Petrillo a chance to respond to the letter. Attorney Houghton responds that Mr. Petrillo now owns the property under 22 Wright Street LLC of which he is the manager. They closed on the property after it was free of all tenants. Mr. Houghton mentions the tour of the property that the Board took and states that he would not live there in the condition it is currently in. He goes on to say that Mr. Petrillo spoke to four abutters about parking and they decide to update the plan to put parking off-site. They would put green space at the back where the original plan had parking. Mr. Houghton reminds the Board that the neighbors were noticed on the new plan. Drainage was addressed by raising the slope and some of the water would go into the ground. He continues to respond to the Twohig's letter by stating that increasing the number of units from two to four would cause a minimal change to traffic. He stated that a traffic study for a project of this size is not required. As to the property values, Mr. Houghton stated that there is no question that it will improve everybody's property value.

At this time Mr. Shulman asks the members of the public for public comment. Sean Cordy of 19 Wright St states that he would like Mr. Houghton to disclose the hardships. Mr. Shulman explains that it's not a disclosure but a list of the hardships. Mr. Houghton responds that procedurally he would like to hear comments and concerns on project. Then we would state the hardships and comment could be given on that after. Michael Twohig from 8 Walsh Ave stated that the initial presentation argued hardship. That absolutely needs to be mentioned. Mr. Shulman explains that hardship must be established for a variance to be granted. It is separate from concerns about the project.

Mr. Shulman asks Mr. Houghton to make his hardship presentation. At this time, Mr. Houghton asks to withdraw the original application without prejudice. Mr. McLaughlin made a motion to accept the withdrawal of the original application without prejudice. Mr. Saltzman seconded the motion. Mr. Shulman took a roll call vote. All members voted in favor (5-0).

Mr. Houghton reiterates that the new plan was filed on August 23<sup>rd</sup> and was available in the Town Clerk's Office and the Board of Appeals Office. Mr. Tobin asked him to speak to hardship. Mr. Houghton reads an excerpt from the statute in order to help the public understand the definition of hardship. He lets the Board know there are cases cited in the MA Zoning manual. In addition to financial hardship, there are topography issues, issues with trees and the structure itself cannot be salvaged. To tear down the structure and put up another two family does not make sense financially. This project is not a detriment to the neighborhood. It will add value to the properties. The derogation from the bylaw is minimal. They are about 500 square feet off. The setbacks for Residence B district jump up. He hasn't seen a project other than maybe Fallon Rd that was able to meet the setbacks. Mr. Houghton sees the variance for parking as minor and they are seeking it to benefit the public.

Paul Peduto, 41 Lincoln St is confused about the financial hardship. He would like clarification. Originally Mr. Houghton stated that the cost of lumber had gone up. Is that still a financial hardship? Mr. Houghton responds that the cost to the developer has gone up tremendously. Mr. Houghton reads Mass General Law Chapter 40A, section 10 from the beginning. When the house has to come down something new needs to go up. A two family doesn't make sense. The Board is here to see if the new use will fit. Mr. Peduto asks

about the two family not making sense based on the price Mr. Petrillo paid. Mr. Houghton argues that because Mr. Petrillo paid fair market value it's being implied that his client shouldn't warrant a financial hardship. No variances would ever be granted if that were the case. David Doucette, 69 Governor Rd states that speculation shouldn't be a hardship. He knew what was going on and is rolling the dice to get variances. He's not just asking for one variance. Michael Twohig, 8 Walsh Ave said a home across the street just went for \$700,000. He said that the construction index was at a peak in May and it's far below that now. He bought a two family with a lot of code violations for \$700,000 and he could have walked away. The burden shouldn't be pushed on others because of bad decisions.

Marcia Wengen, Co-Chair of the Stoneham Historical Commission read a statement on the history of the circa 1850 Greek Revival Home at 22 Wright St. She mentions that Stoneham does not have a demolition delay bylaw. Mr. Shulman states that his understanding is that in communities that have the bylaw, the delay is to allow representatives to negotiate with the developer. Ms. Wengen concurs and offers examples of whether the house could be saved or moved. Mr. Saltzman asks if Ms. Wengen saw anything she'd like to preserve. She said the interior is not under the purview of the Historical Commission.

Tara Caleanos, 21 Wright Street questioned what the other options would be if they do not get what they are seeking. Attorney Houghton responds that under Mass General Law Chapter 40A section 3 the use might be a sober or halfway house which is zoning exempt in which case it might be a new, larger house. The economic reality is that there are not a lot of other choices.

Noelle Veazzie, 26 Wright St mentions that her primary concern is privacy and the inability to enjoy her property. Her bedroom window faces the property. She believes that you will hear conversation from her backyard and kitchen. She has six children and there will be eight cars exiting the property each day.

Mr. Houghton states to think it will stay what it is is not realistic.

Mr. Shulman explains that the setback required is larger because it is over two units, otherwise it would be ten feet. Mr. Saltzman stated that Mr. Houghton has been explaining the legal hardship because that is the analysis from which the Board makes their decision. Mr. Houghton states that Mr. Petrillo paid about \$700,000. To build four condos would cost about \$1.5 million. So now you are at \$2.25 million divided by four. The number needs to be four to make sense.

Mr. Shulman directs the conversation to the question that came up regarding privacy alongside the property. The discussion moves to trees that can be planted on the side to provide more privacy. Mr. Shulman asks if that would be more appealing?

Frank Petrillo, owner 22 Wright St speaks to how he has rung doorbells and tried to talk to the neighbors. He wants to work together.

Alice Twohig, 43 Lincoln Street thanks the Board for the meeting.

Sean Cordy, 19 Wright mentions that Mr. Petrillo made threats about sober houses and that may be why people do not want to talk to him. Mr. Shulman states that he understands that the proposal before them does not appeal to the neighbors but the reality is that a nonzoning restricted use can be put in there.

Mr. Rubin asked if the neighborhood could address the new plan. He would like to understand if it's better with the cars now inside, the green space and trees. David Doucette, 69 Governor Rd states that it's just too big for the spot. Maureen Leahy, 18 Wright St asks if the garage is one or two car and if she could just turn her house into a sober house. Why isn't there more control? Julie Cordy, 19 Wright St appreciates that they are listening and making concessions but the house will be a fortress. Alice Twohig, 43 Lincoln St

asks if Mr. Petrillo obtained a permit for demolition yet? Mr. Petrillo responds no. Barbara Peduto, 41 Lincoln St mentions that it's a big building and she wishes it were three units. Although she does appreciate the changes made. Mr. Rubin goes on record that Mrs. Peduto was his son's favorite teacher at Purpose School. He goes on to say if it was a two family by right it might be just as big and closer to the lot lines potentially on both sides. We have to look at what's in front of us and try to make it mutually beneficial. Mr. Doucette from Governor Rd clarifies that it would only cover 20% of the lot. Mr. Saltzman states that before the neighbors didn't want all of the cars outside. Now you put them in the house and the house gets bigger. Every time you solve a problem it creates another. Mr. Houghton states that the proposed building is not much bigger than what is allowed. Just 522 Square feet over. A question is asked about smaller units so you can stay within the allowed size. Mr. Houghton asks for a recess. Mr. Shulman calls for a five minute recess.

After the recess there was discussion as to whether Mr. Petrillo would consider scaling down the size. Mr. Saltzman mentions that Mrs. Twohig's water issues had been addressed. Are there any issues other than size? Michael Twohig would like to know what proof is shown to the Board when there is a claim of financial hardship.

Mr. Houghton states that they will look to see what they can make work with the neighbors. Mr. Dufour makes a motion to continue the public hearing to October 21<sup>st</sup> in the Town Hall Hearing Room at 6PM and it is seconded. Mr. Shulman takes a roll call vote. All members were in favor (5-0).

Meeting adjourned at approximately 8:16 PM.

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:

Legal notice for 22 Wright Street run in the Stoneham Independent and mailed to the abutters.

Plan of land titled "Proposed Site Plan of 22 Wright Street in Stoneham, MA" revised 8/2/2021

Letter from Alice and William Twohig, 43 Lincoln Street dated May 5, 2021

Respectfully submitted:

Maria Sagarino  
Town Clerk