

TOWN OF MARBLEHEAD
ZONING BOARD OF APPEALS

MEETING MINUTES
AUGUST 23, 2016

A regularly scheduled and noticed meeting of the Board of Appeals was called to order by Chairman Moriarty at or after 7:30 p.m. in the Abbot Hall Auditorium, 188 Washington Street, Marblehead, Massachusetts. Present were Board members Moriarty, Tubridy, Barlow, Krasker and Lipkind.

New Legal Ads Run: 8/4/2016 & 8/11/2016

7:30

6 Prince St.

Scott Manning

The Board of Appeals held a public hearing on **Tuesday August 23, 2016 at 7:30 PM** in the Selectmen's Meeting Room of Abbot Hall, 188 Washington Street, Marblehead, on the application of **Scott Manning** to vary the application of the present Zoning By-law by allowing a Special Permit to remove an existing detached garage, and replace with a new detached garage on the property located at **6 Prince Street** in a Single Residence District. The new construction is in the rear yard setback, side yard setback and reduces the open area on a pre-existing, non-conforming property with less than the required lot area, frontage, front yard setback, rear yard setback, side yard setback, open area and tandem parking. Application was presented by Architect Craig Bosworth. Bosworth stated that the garage was on the property line and the garage has extensive damage and needs to be taken down and rebuilt. Stated that the abutting neighbors are in approval of the process. Bosworth noted that the fence on the property line would need to be taken down. Lipkind inquired if the fence would go back permanently. The chairman asked if there was anyone in the assembly that wanted to speak in opposition or in favor. Lisa Arcikowski of 8 Prince St. spoke in favor of the project. Owner of 4 Prince St. expressed support of application. Nancy Bennett of 1 Prince expressed support of application. John McDonald of 12 Prince St. expressed support of application. There were no other comments. A motion was made and seconded to close the public hearing. Unanimously voted 5-0. A motion was made and seconded to approve the application with the usual conditions. All in favor 5-0. Tubridy to write.

7:30

30 Leicester Road

Gregory Peters

The Board of Appeals held a public hearing on **Tuesday August 23, 2016 at 7:30 PM** in the Selectmen's Meeting Room of Abbot Hall, 188 Washington Street, Marblehead, on the request **Gregory Peters** to vary the application of the present Zoning By-law by allowing a Special Permit to construct additions on the property located at **30 Leicester Road** in a Single Residence District. The new construction is in the side yard setback and exceeds the 10% expansion limits on a pre-existing non-conforming property with less than the required lot area and side yard setback. Application was represented by applicant Gregory Peters. Applicant submitted an updated plot plan dated 7/26. The chairman asked if there was anyone in the assembly that wanted to speak in opposition or in favor. There were no comments. A motion was made and seconded to close the public hearing. Unanimously voted 5-0. A motion was made and seconded to approve the application with the usual conditions. All in favor 5-0. Krasker to write.

7:45

4 Wyman Road

Joseph Darci

The Board of Appeals held a public hearing on **Tuesday August 23, 2016 at 7:45 PM** in the Selectmen's Meeting Room of Abbot Hall, 188 Washington Street, Marblehead, on the application of **Joseph Darci** to vary the application of the present Zoning By-law by allowing a Special Permit to install a new deck and mechanical handicap lift and replace existing garage with storage shed on an existing single family dwelling located at **4 Wyman Road** in a Single Residence District. The new construction is in the rear yard setback, side yard setback and reduces the open area on a pre-existing non-conforming property with less than the required lot area, lot width, frontage, front yard setback, rear yard setback and side yard setback and open area. Application was presented by applicant Joe Darci. The chairman asked if there was anyone in the assembly that wanted to speak in opposition or in favor. Mark Whittaker of 6 Wyman Road spoke in favor of the project. Steven Seay of 30 Bubier Road spoke in favor of the project. Robert Tirrell of 107 Atlantic Ave. spoke in favor of the project. There were no additional comments. A motion was made and seconded to close the public hearing. Unanimously voted 5-0. The Board suggested that the dimensions be changed in order to move the proposed shed 2 feet. A motion was made and seconded to approve the application with the usual conditions, plus new dimension conditions. All in favor 5-0. Barlow to write.

7:45

11 Chestnut Street

Paula Gaull

The Board of Appeals held a public hearing on **Tuesday August 23, 2016 at 7:45 PM** in the Selectmen's Meeting Room of Abbot Hall, 188 Washington Street, Marblehead, on the application of **Paula Gaull** to vary the application of the present Zoning By-law by allowing a Special Permit to construct additions to the existing property located at **11 Chestnut Street** in the General Residence district. The new construction is in the side yard setback on a pre-existing non-conforming property which has less than the required lot area, front yard setback and side yard setback. Application was represented by Arch Heather Deschenes of HND Architects. The chairman asked if there was anyone in the assembly that wanted to speak in opposition or in favor. There was no comment. A motion was made and seconded to close the public hearing. Unanimously voted 5-0. A motion was made and seconded to approve the application with the usual conditions. All in favor 5-0. Lipkind to write.

8:00

140 Evans Road Ext.

Aaron and Jenneke Lord

The Board of Appeals held a public hearing on **Tuesday August 23, 2016 at 8:00 PM** in the Selectmen's Meeting Room of Abbot Hall, 188 Washington Street, Marblehead, on the application of **Aaron and Jenneke Lord** to vary the application of the present Zoning By-law by allowing a Special Permit to construct additions and build a wooden patio to the existing property located at **140 Evans Road Ext.** in the Single Residence district. The new construction is in the side yard setback on a pre-existing non-conforming property which has less than the required lot width, frontage, front yard setback and side yard setback. Applicant requested a continuance to September 27, 2016. The applicant's request to continue the proceedings to September 27, 2016 was unanimously approved.

8:00

30 Curtis Street

Jim and Stacy Cibelli

The Board of Appeals held a public hearing on **Tuesday August 23, 2016 at 8:00 PM** in the Selectmen's Meeting Room of Abbot Hall, 188 Washington Street, Marblehead, on the application of **Jim and Stacey Cibelli** to vary the application of the present Zoning By-law by allowing a Special Permit to construct additions, a deck, covered entry and two front dormers to an existing single family structure located at **30 Curtis Street** in the Single Residence district. The new construction is in the front yard setback, rear yard setback and side yard setback on a pre-existing non-conforming property which has less than the required lot area, lot width, frontage, front yard setback, side yard setback and parking.

Application was presented by Architect Heather Deschenes of HND Architects. The chairman asked if there was anyone in the assembly that wanted to speak in opposition or in favor. Cindy Thompson of 26 Curtis St. spoke in favor and in question of the details of the project. There was no other comment. A motion was made and seconded to close the public hearing. Unanimously voted 5-0. A motion was made and seconded to approve the application with the usual conditions. All in favor 5-0. Lipkind to write.

8:15

11 Nahant Street

Thomas Murtagh

The Board of Appeals held a public hearing on **Tuesday August 23, 2016 at 8:15 PM** in the Selectmen's Meeting Room of Abbot Hall, 188 Washington Street, Marblehead, on the application of **Thomas Murtagh** to vary the application of the present Zoning By-law by allowing a Special Permit to construct a new deck, stairs, landing, dormers and storage under the deck on the property located at **11 Nahant Street** in a Shoreline Expanded Single Residence District. The new construction is in the side yard setback on a pre-existing non-conforming property with less than the required lot area, lot width, frontage, side yard setback and which exceeds the maximum allowed height.

Application was presented by Bill Rice, Consultant. The chairman asked if there was anyone in the assembly that wanted to speak in opposition or in favor. There was no comment. A motion was made and seconded to close the public hearing. Unanimously voted 5-0. A motion was made and seconded to approve the application with the usual conditions. All in favor 5-0. Tubridy to write.

8:15

5 Prince Street

Joseph Rydzewski, Trustee

The Board of Appeals held a public hearing on **Tuesday August 23, 2016 at 8:15 PM** in the Selectmen's Meeting Room of Abbot Hall, 188 Washington Street, Marblehead, on the application of **Joseph S. Rydzewski, Trustee** to vary the application of the present Zoning By-law by allowing a Special Permit for a change of use from a nonconforming use to a single family dwelling on the property located at **5 Prince Street** in the Single Residence district. The new construction creates no new dimensional non-conformities on a pre-existing non-conforming property with less than the required lot area, lot width, frontage, front yard setback, side yard setback and parking. Applicant requested a continuance to September 27, 2016. The applicant's request to continue the proceedings to September 27, 2016 was unanimously approved.

8:30

37 Gregory Street

Edward Foster

The Board of Appeals held a public hearing on **Tuesday August 23, 2016 at 8:30 PM** in the Selectmen's Meeting Room of Abbot Hall, 188 Washington Street, Marblehead, on the application of **Ned Foster** to vary the application of the present Zoning By-law by allowing a Special Permit to construct a new garage to replace an existing garage on an existing single family property located at **37 Gregory Street** in a Shoreline Central Residence District. The new construction is in the side yard setback on a pre-existing non-conforming property with less than the required lot area and side yard setback. Application was represented by Veronica Hobson. Hobson proposed to remove an existing detached garage and construct slightly larger garage within current setbacks. The chairman asked if there was anyone in the assembly that wanted to speak in opposition or in favor. There was no comment. A motion was made and seconded to close the public hearing. Unanimously voted 5-0. A motion was made and seconded to approve the application with the usual conditions. All in favor 5-0. Krasker to write.

