

BOARD OF APPEALS  
TOWN OF MARBLEHEAD

Minutes of Meeting of March 26, 2013

The regularly scheduled and noticed meeting of the Board of Appeals was called to order by Acting Chairman Casey at or after 7:30 p.m. in the Selectmen's Room at Abbot Hall, Marblehead, Massachusetts. Present were Board members Tubridy, Krasker, Casey, Hintlian and Lipkind.

**Legal Ads Run: 3/7/2013 & 3/14/2013**

**7:30 PM      18 STATE STREET  
                 WILLIAM H. HASKELL**

**Parcel ID 148-23  
File Date: 2/12/13**

The Board was prepared to hold a hearing on a request to vary the application of the present Zoning By-law by allowing a Special Permit to allow the construction of a garage at **18 State Street, Map 148 Parcel 23**, in a Central Residence District, Unrestricted District and Historic District on a pre-existing non-conforming property. The applicant's request to continue the hearing to May 27, 2013 was allowed, with no evidence taken.

**7:30 PM      11 SELMAN STREET  
                 FRANCISCO & ARLYN SILVA**

**Parcel ID 166-16  
File Date: 2/13/13**

The Board held a hearing on a request to vary the application of the present Zoning By-law by allowing a Special Permit to construct a dormer addition at **11 Selman Street, Map 166 Parcel 16** in a Shoreline Unrestricted District and Historic District on a pre-existing non-conforming property. The application was presented by Architect Bruce Greenwald of Marblehead, accompanied by Francisco and Arlyn Silva. The applicants presented architectural plans with an issue date of September 15, 2012, prepared by Mr. Greenwald., as well as a plot plan dated January 30, 2013, prepared by Peter J. Kane, Professional Land Surveyor, and a photo of the site. The applicant seeks to construct a dormer addition on the roof. The proposed construction would decrease the ratio of open area to gross floor area from .51 to .50. The applicant provided Certificate of Appropriateness # 4257 from the Old and Historic Marblehead District Commission. Written support for the application was presented from the owners of 9 and 11 Selman Street. The application was unanimously approved, with conditions. Mr. Tubridy is to write the decision.

**7:45 PM      179-183 HUMPHREY STREET  
                 S&B HUMPHREY TRUST**

**Parcel ID 17-38  
File Date: 2/14/13**

The Board held a hearing on a request to vary the application of the present Zoning By-law by allowing a Special Permit and/or Variance to allow the expansion of a pre-existing non-conforming use to an unoccupied, vacant area of an existing commercial building for use as a retail repair shop by a glazer and screen repair business at **179-183 Humphrey Street, Map 17**

**Parcel 38** in a Single Residence District on a pre-existing non-conforming property. There are no changes proposed to the existing structure. The application was presented by Attorney Chris Drucas of Salem, accompanied by Steven Grieves, who would operate the glazer/screen repair business. The Applicant explained that the building was built in the 1920s, and that a fire occurred in 2005. There is currently a tailoring shop operating in small portion of the building. The applicant seeks to have a glazer/screen repair business in this single residence district. The applicant stated that the use is preexisting non-conforming. Mr. Lipkind raised an issue regarding abandonment due to the length of time that there has been no use of a portion of the structure. The applicant submitted a petition in support of the application from neighbors at 175, 177 and 185 Humphrey Street, and 1 and 2 Clifton Avenue. Barbara Doherty of 177 Humphrey Street appeared in favor of the application. The Board voted unanimously to issue a variance and a special permit, with a condition that other than for loading, there be no on street parking. Mr. Krasker is to write the decision.

**7:45 PM      72 NANEPASHEMET STREET  
TODD & KARYN ZION**

**Parcel ID 911-23  
File Date: 2/20/13**

The Board held a hearing on a request to vary the application of the present Zoning By-law by allowing a Special Permit to allow the construction of a new detached pool cabana and relocation of a shed at **72 Nanepashemet Street, Map 911 Parcel 23**, in an Expanded Single Residence District on a pre-existing non-conforming property. The application was presented by Attorney Paul Lynch of Marblehead, accompanied by Todd Zion. There is a prior decision of the Board with a condition that no further work occur at the site without a new Special Permit from the Board. The applicant presented architectural plans dated February 13, 2013, prepared by Siemasko + Verbridge of Beverly, as well as a survey dated January 28, 2013 prepared by Gail L. Smith, Professional Land Surveyor, and seven photos of the site. The proposed location of the pool cabana will conform to all set back requirements. The shed would be approximately seven feet from the side lot line. The application was unanimously approved, with conditions. Mr. Casey is to write the decision..

**8:00 PM      30 BIRCH STREET  
SUSAN GOLDEN**

**Parcel ID 52-25  
File Date: 2/22/13**

The Board held a hearing on a request to vary the application of the present Zoning By-law by allowing a Special Permit to allow the construction of an addition to an existing dwelling and allow an existing shed to remain at **30 Birch Street, Map 52 Parcel 25**, in a Single Residence District on a pre-existing non-conforming property. The application was presented by Architect Veronica Hobson of Marblehead, accompanied by Mike Golden. The application was unanimously approved, with conditions. Ms. Hintlian is to write the decision.

**8:00 PM      2 HUMPHREY STREET, MHS  
MARBLEHEAD SCHOOL COMMITTEE**

**Parcel ID 61-15  
& 70-12**

**File Date: 2/22/13**

The Board held a request to vary the application of the present Zoning By-law by allowing a modification to a previously issued Special Permit of June 21, 2000, specifically amending paragraph 9 of the conditions therein, by expanding the use of the lights at the athletic field at **2**

**Humphrey Street, Marblehead High School, Map 61 Parcel 15 and Map 70 Parcel 12**, in a Single Residence District. The application was presented by Steve Maxwell, a Board Member of the Marblehead All Sports Foundation, as well as Athletic Director Mark Tarmey. In connection with the construction of a turf field to replace the game day field at the high school, the applicant wants to increase the number of night time games from 6 to 12 per academic year. Residents from 33, 37, 38, 39, 41 and 43 Devereux Street spoke in favor of application, as did a resident from 1 Phillips Street. Some residents expressed concern regarding drainage, and the use of the field by groups other than High School teams. The application was unanimously approved. Mr. Lipkind is to write the decision.

**8:15 PM      191A GREEN STREET  
PIG ROCK LLC**

**Parcel ID 158-40  
File Date: 2/25/13**

The Board held a hearing on a request to vary the application of the present Zoning By-law by allowing a Special Permit to amend a previously issued special permit of December 7, 2001, specifically amending condition 3, to allow a proposed home to be constructed within a revised footprint at **191A Green Street, Map 158 Parcel 40**, in a Single Residence District on a pre-existing non-conforming property. The application was presented by Attorney Paul Lynch of Marblehead. The applicant presented a plan dated January 25, 2013 prepared by Peter J. Kane, Professional Land Surveyor, Architectural Plans dated January 25, 2012, as well as a prior, 2002, Special Permit for this property and a new Order of Conditions from the Conservation Commission. Dorothy Barney of 199 Green Street, Ann Pervear of 203 Green Street, Steve Taylor of 17A Cloutman's Lane, and Bill Temme of 189 Green Street all raised concerns about drainage. The application was unanimously approved. Mr. Tubridy is to write the decision.

**8:15 PM      4 CORN POINT ROAD  
RICHARD C. WALLACE**

**Parcel ID 194-1A  
File Date: 2/25/13**

The Board held a hearing on a request to vary the application of the present Zoning By-law by allowing a Special Permit to allow the relief from the 75% width requirement for a vacant parcel of land at **4 Corn Point Road, Map 194 Parcel 1A**, in an Expanded Single Residence District and Shoreline Expanded Single Residence District on a pre-existing non-conforming lot. The application was presented by Attorney Paul Lynch of Marblehead. The applicant presented multiple deeds and plans at the hearing, as well as an instrument survey dated February 21, 2013, prepared by Scott R. Jalbert, Professional Land Surveyor.. David and Sheryll Harkins of 8 Corn Point Road filed a written opposition to the application. The application was unanimously approved, with conditions. Mr. Krasker is to write the decision.

**8:30 PM      8 FOLLETT STREET  
SCOTT & CAMILLE GOODBY  
REQUEST TO CONTINUE TO APRIL 23, 2013  
RECEIVED ON MARCH 18, 2013.**

**Parcel ID 924-10  
File Date: 1/14/2013**

**Continued from February 26, 2013 with no evidence taken.**

The Board was prepared to hear a request to vary the application of the present Zoning By-law by allowing a Special Permit to demolish an existing dwelling and garage and construct a new dwelling at **8 Follett Street Map 924 Parcel 10**, in an Expanded Single Residence District and Shoreline Expanded Single Residence District. The new construction exceeds the 10% expansion limits on a pre-existing non-conforming property that has less than the required lot area, rear yard setback, side yard setback and exceeds the maximum height allowed. The applicant's request to continue the hearing to April 23, 2013 was unanimously approved.

**OLD AND NEW BUSINESS:**

The Board approved the Minutes of Meeting of February 26, 2013.

The meeting was then adjourned.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'Alan E. Lipkind', with a long horizontal stroke extending to the right.

Alan E. Lipkind

4839-3126-5044.1