

BOARD OF APPEALS

TOWN OF MARBLEHEAD

Minutes of Meeting of April 23, 2013

The 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 Auditorium at Abbot Hall, Marblehead, Massachusetts. Present were Board members Tubridy, Drachman, Moriarty and Rudolph.

HEARINGS:

**7:30 PM 4 MOHAWK ROAD
FARIDA PETERS-ABBADI**

**Parcel ID 86-4
File Date: 2/20/2013**

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 an existing play structure to remain at **4 Mohawk Road, Map 86, Parcel 4**, in a Single Residence District. The structure is within the side yard setback on a pre-existing non-conforming property that has less than required lot area, frontage, side yard and rear yard setback. The application was presented by Ms. Peters-Abbadi who presented a plan dated October 30, 2012 prepared by Gail Smith, PLS showing a modification to the play structure that rotated the existing slide 90 degrees to the right property line. Photo boards were also presented by Ms. Peters-Abbadi showing 60 + swing sets within the town boundaries that were similar in design to hers as well as letters of support from residents, none of whom were abutters to the subject property. Ms. Peters-Abbadi also referenced former Special Permits for play structures that were approved by the Board. Phil and Lisa Mancuso of the abutting parcel at 6 Mohawk Road appeared in opposition to the application and presented photos and written materials to the Board. Mr. Rudolph and other members of the Board recommended that since the Article 39 Amendment regarding placement of play structures would be voted on at the 5/6/2013 Town Meeting, this Board should refrain from making any determination on this application. The applicant's request to withdraw the application without prejudice was unanimously approved.

**7:30 PM 5 WOODFIN TERRACE
MHD BOARD OF HEALTH**

**Parcel ID 160-10, 9A, 37,38,
39 & 153-1 & 161 – 2&3
File Date: 3/7/2013**

The Board held a hearing on a request to vary the application of the present Zoning By-law by allowing a Special Permit to demolish the existing transfer station and construct a new transfer station and accessory structures at **5 Woodfin Terrace, Map 160 Parcels 10, 9A, 37, 38, 39 and Map 153 Parcel 1, Map 161 Parcels 2 and 3** in an Unrestricted District and Single Residence District. The proposed new construction exceeds the maximum front setback on a pre-existing property that currently exceeds the maximum front setback. The application was presented by Andrew Petty representing the Town of Marblehead and Steve Wright of Kleinfelder engineers of Cambridge MA. The applicant presented a booklet dated March 2013 submitted on behalf of the Marblehead Board of Health containing plans showing the locations of proposed buildings

roadways and other structures. The applicant also mentioned that the reason for continuing the front setback non-conformity was to provide sufficient queuing for vehicles entering the facility. Nobody appeared at the hearing to speak either in favor or against the application. The application was unanimously approved, with conditions. Mr. Moriarty is to write the decision.

**7:45 PM 14 RAMSAY ROAD
JONATHON & MEGAN MEYERS**

**Parcel ID 143-13
File Date: 3/11/2013**

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 an addition at **14 Ramsay Road, Map 143 Parcel 13**, in a Single Residence District. The proposed structure is within the side yard setback and exceeds the 10% expansion limits on a pre-existing non-conforming property that has less than the required lot area, frontage and side yard setback. The application was presented by Mr. and Ms. Meyers with architectural plans prepared by the applicant dated March 3, 2013 and a plot plan prepared by Daniel J. Lynch, professional land surveyor of Marblehead and dated March 1, 2013. Richard Coletti of 10 Ramsey Road appeared in favor of the application. No one else appeared at the hearing to speak either in favor or against the application. The application was unanimously approved, with conditions. Mr. Drachman is to write the decision.

**7:45 PM 36 FOSTER STREET
DAVID & KRISTIN BARRETT**

**Parcel ID 917-3
File Date: 3/18/2013**

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 an accessory building (garage) at **36 Foster Street, Map 917 Parcel 3**, in a Shoreline Expanded Single Residence District. The proposed new construction is within the side yard setback and exceeds the 10% expansion limit on a pre-existing non-conforming property that has less than required side yard setback and allowable height. The applicant accompanied by attorney Paul Lynch and architect Craig Bosworth of Grazado Velleco Architects presented plans dated March 2, 2013, as well as a plot plan prepared by Gail L. Smith professional land surveyor dated January 23, 2013. The applicant seeks to construct a two car, two story garage with a full bathroom on the second floor. Attorney George Atkins appeared on behalf of Wolf and Betsey Hede against the application noting that at more than 500 sq. ft. the accessory building would need approval from the Planning Board and that the proposed air conditioning units facing the abutters property would be a nuisance. Also attorney Atkins maintained that the construction of the proposed garage so close to the abutter's property line would seriously damage the roots of a large mature tree on the abutter's property. Based on testimony in the hearing and the need for Planning Board approval, the Board ordered the hearing to be continued to May 28, 2013, with evidence taken.

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

CONTINUED FROM 2/26/2013 – WITH NO EVIDENCE TAKEN.

**8:00 PM 207 PLEASANT STREET
THE NEW 207 PLEASANT STREET
REALTY TRUST**

Parcel ID 109-3
File Date: 3/20/2013

**8:15 PM 70 VILLAGE STREET
CHRIS BUTLER**

Parcel ID 107-16
File Date: 3/21/2013

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member. The applicant also submitted a letter at the hearing with signatures from seven residents residing at 56, 60, 62, 64, 72, 73 and 76 Village St, all of whom were in favor of the application. No one else appeared at the hearing to speak either in favor or against the application. The application was unanimously approved, with conditions. Mr. Drachman is to write the decision.

**ADMIN 67 BEACH STREET
JOHN ATTRIDGE**

**Parcel ID 94-8
File Date: 4/8/2013**

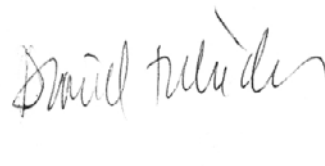
A request for changes to completed new construction that was previously approved by Special Permit was presented by the applicant. The revised architectural plans that were presented in the hearing included modifications to Windows, Doors, siding, shed and porch. Board members noted in the discussion that the revised plans did not correspond to the list of changes that had been prepared by the applicant and therefore requested that the applicant correct the document conflicts and moved to postpone the administrative hearing to May 28, 2013.

OLD AND NEW BUSINESS:

- The Board approved Minutes of Meeting of March 12, 2013

The meeting was then adjourned.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "David Tubridy", with a long, sweeping horizontal stroke at the end.

David Tubridy