

BOARD OF APPEALS  
TOWN OF MARBLEHEAD

Minutes of Meeting of June 18, 2013

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

**HEARINGS:**

**7:30 PM      25 NEPTUNE ROAD  
STEPHEN COSTA**

**Parcel ID 122-13  
File Date: 5/6/13**

The Board commenced a hearing on a request to vary the application of the present Zoning By-law by allowing a Special Permit to demolish an existing single-story home with full basement and construct a new two-story home with partial basement at **25 Neptune Road, Map 122 Parcel 13**, in a Shoreline Single Residence District, on a pre-existing non-conforming property with less than the required lot frontage and width. The proposed new construction would have less than the required front and side setbacks, and exceed the maximum allowable height. The application was presented by Attorney Paul Lynch of Marblehead, accompanied by Architect Veronica Hobson of Taproot Design Inc. of Marblehead, and Stephen Costa. The applicant presented architectural plans dated April 28, 2013 prepared by Ms. Hobson, a survey dated April 12, 2013 prepared by Gail L. Smith, Professional Land Surveyor, an Order of Conditions form the Conservation Commission, an aerial photograph and a plot plan. The applicant also presented at the hearing an assessors map and an aerial photo. Mr. Lynch advised the Board that the purpose of the Shoreline District is protection of public view corridors, and that the proposed construction would increase the front and side setbacks, allowing better view corridors around the home. Several neighbors appeared in support of the application. Mark Forziati who lives directly across the street spoke in support of the application. Richard Kates also spoke in support stating that the proposed construction will improve views and remove blight. A letter in support of the application was received from neighbors at 11, 19, 21, 22 and 29 Neptune Street. Attorney William DiMento of Pitman Road in Swampscott appeared in opposition to the application on behalf of James Pizziferri of 16 Knight Ave. Also appearing in opposition were Joanne Clifford of 16 Knight Ave., John Henderson of 15 Knight Ave., John Prindiville of 20 Stanley Road, and Charles Nordstrom of 13 Knight Ave. Mr. Prindiville sent in a letter in opposition as well. Mr. DiMento also presented an assessors plan showing the properties owned by plan opponents. He presented an historic photograph. Mr. DiMento asserted that the purpose of the Shoreline District is to protect public and private views. Mr. Nordstrom stated that where a new house is going to be constructed, it should comply with dimensional requirements. The matter was continued to July 23, 2013 at 8:15 p.m., with evidence taken. Mr. Tubridy is to write the decision.

**7:30 PM**

**4 COMMUNITY ROAD  
VERIZON WIRELESS**

**Parcel ID 29-23**

**File Date: 5/13/13**

The Board held a hearing on a request for a Special Permit to construct an equipment shelter at ground level at **4 Community Road, Map 29 Parcel 23**, in a Single Residence District. The application was presented by Attorney David Klasnick of Woburn, Massachusetts. Mr. Klasnick presented a supporting statement, a Letter of Authorization from the Jewish Community Center of the North Shore, Inc. (owner of the property), architectural drawings, a photo simulation, generator specifications, and an Environmental Noise Impact Assessment. Greg Woll appeared in opposition to the application. The application was unanimously approved, subject to the conditions that the project be built as shown on the plans submitted, and that the permit not be pulled until the appeal period on the decision has run. Mr. Barlow is to write the decision.

**7:45 PM**

**15 COOLIDGE ROAD  
RICHARD ROCKETT**

**Parcel ID 47-28**

**File Date: 5/13/13**

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 an addition and lower the driveway at **15 Coolidge Road, Map 47 Parcel 28**, in a Shoreline Single Residence District and Single Residence District on a pre-existing non-conforming property. The application was presented by Mr. Rockett. The applicant presented architectural plans dated April 4, 2013 prepared by R. Rumpf and Associates of Salem, as well as a plan dated April 19, 2013 prepared by Gail L. Smith, Professional Land Surveyor. The applicant seeks to lower the driveway by a maximum of three feet, resulting in a building height of 33 feet, and to and construct a 12 x 12 single story addition at the rear within the sideyard. Nobody else appeared regarding the application. The application was unanimously approved, with conditions. Mr. Drachman is to write the decision.

**7:45 PM**

**22 BAYVIEW ROAD  
JOEL & ELIZABETH WHITE**

**Parcel ID 122-49**

**File Date: 5/14/13**

The Board held a hearing on a request to vary the application of the present Zoning By-law by allowing a Special Permit to construct additions and a deck at **22 Bayview Road, Map 122 Parcel 49**, 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 architectural plans dated April 26, 2013 presented by Paul G. Fermano, Architect, of Marblehead, as well as a Zoning Board of Appeals Plan dated March 4, 2013 prepared by Gail L. Smith, PLS. Attorney Lynch also provided an assessors plan of the neighborhood and a summary of the application. Diane Haritos of 18 Bayview Road, the abutting property to the west, spoke in opposition to the application regarding privacy concerns. Nobody else spoke regarding this application. The application was approved, 4 -1 with Mr. Barlow voting in the negative. Mr. Krasker is to write the decision.

**8:00 PM      263 OCEAN AVENUE  
STEVEN & AMY CALLAHAN, TRUSTEES**

**Parcel ID 904-8  
File Date: 5/15/13**

Ms. Hintlian replaced Mr. Lipkind for this matter. 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 dwelling and existing garage and construct a new dwelling with attached garage at **263 Ocean Avenue, Map 904 Parcel 8**, in a Shoreline Expanded Single Residence District on a pre-existing non-conforming property. The application was presented by Attorney Bob McCann of Danvers, accompanied by Architect Thaddeus Siemasko of Siemasko + Verbridge in Beverly. The applicant provided the Board with architectural plans dated May 10, 2013 prepared by Siemasko + Verbridge, and a plan dated April 16, 2013 prepared by Gail L. Smith, PLS. Mr. McCann described the project and presented a written summary of the relief requested. Written support for the application was received from owners at 261, 265 and 266 Ocean Avenue. Nobody else appeared in favor of or opposed to the application. The application was unanimously approved. Ms. Hintlian is to write the decision.

**8:15 PM      47 CHESTNUT STREET  
GAIL DOYLE, TRUSTEE**

**Parcel ID 112-23  
File Date: 5/15/13**

Ms. Hintlian replaced Mr. Lipkind for this hearing. The Board began hearing an application to vary the application of the present Zoning By-law by allowing a Special Permit to construct additions and an attached garage at **47 Chestnut Street, Map 112 Parcel 23**, in a Shoreline Single Residence District on a pre-existing non-conforming property. The application was presented by Attorney Bob McCann of Danvers, accompanied by builder Bob Voosen and Gail Doyle. The applicant presented architectural plans dated March 17, 2013, a plan dated April 3, 2013. Mr. Voosen described the project and provided a schematic diagram. Kathy Kaligan of 45 Chestnut Street submitted a letter in opposition to the application. Neighbors at 18 and 19 Walnut and 41 Chestnut also submitted written opposition to the application. Neighbors from 20 Walnut and 48 Chestnut appeared in opposition to the application. The applicant's request to withdraw the application without prejudice was unanimously approved.

**8:15 PM      30 ELM STREET  
ROBERT CELLUCCI &  
ABBIE STEVENSON**

**Parcel ID 150-70  
File Date: 5/15/13**

Mr. Lipkind resumed his place on the panel, and Ms. Hintlian left the meeting. 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 and replace an existing shed at **30 Elm Street, Map 150 Parcel 70**, in a Central Residence District on a pre-existing non-conforming property. The application was presented by Mr. Cellucci and Ms. Stevenson. The applicants presented a Certificate of Appropriateness from the Old and Historic Marblehead Districts Commission. The applicant advised that all neighbors approved of the application. Nobody else appeared regarding this application. The application was unanimously approved, with conditions. Mr. Lipkind is to write the decision.

**8:30 PM**

**10 FOSS TERRACE  
CHRISTOPHER & BO JIN HATFIELD**

**Parcel ID 163-16B  
File Date: 5/16/13**

The Board held a hearing on a request to vary the application of the present Zoning By-law by allowing a Special Permit to subdivide a portion of **10 Foss Terrace, Map 163 Parcel 16B**, and add it to **8 Foss Terrace, Map 163 Parcel 16**, leaving 10 Foss Terrace with less than the required lot area in an Unrestricted District. The application was presented by Attorney Paul Lynch of Marblehead. The applicant presented a survey dated April 8, 2013 prepared by Peter J. Kane, Professional Land Surveyor. Diane Allen of 5 Peach Highlands, an abutting property, appeared at the hearing and spoke in favor of the application. The application was unanimously approved. Mr. Drachman is to write the decision.

**8:30 PM**

**22 FOSTER STREET  
RALPH & MERYL SEVINOR**

**Parcel ID 908-4  
File Date: 5/21/13**

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 garage and portions of the existing house and construct a new attached garage to the existing house, construct house additions and a deck at **22 Foster Street, Map 908 Parcel 4**, in a Shoreline Expanded Single Residence District on a pre-existing non-conforming property. The applicant's request to continue the hearing was unanimously approved, with no evidence taken. The hearing was continued to August 26, 2013 at 7:30 p.m.

**ADMIN**

**191A GREEN STREET  
191 GREEN STREET LLC**

**Parcel ID 158-40  
File Date: 5/14/13**

Builder Michael Kehn appeared and sought administrative approval of certain window changes, and the removal of 1 of 2 rear porch steps. The request was unanimously approved. Mr. Kehn is to write a letter to the building inspector.

#### **OLD AND NEW BUSINESS:**

The Board approved Minutes of Meeting of March 26, 2103, and April 23, 2013.

The meeting was then adjourned.

Respectfully submitted,



Alan E. Lipkind  
Secretary