

BOARD OF APPEALS  
TOWN OF MARBLEHEAD

Minutes of Meeting of July 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 Selectmen's Room at Abbot Hall, Marblehead, Massachusetts. Present were Board members Tubridy, Drachman, Moriarty, Barlow and Lipkind.

**7:30 PM        7 WALDRON COURT**  
**JOHN HARRISON &**  
**NOELLE LEBLANC**

**Map 130 Parcel 39**  
**File Date: 5/28/2013**

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 additions, a deck and a detached garage at **7 Waldron Court, Map 130 Parcel 39**, in a Business One District and Central Residence District on a pre-existing non-conforming property. The application was presented by Architect Derek Bloom, accompanied by John Harrison. The Applicant presented architectural plans dated April 30, 2013 prepared by Mr. Bloom, as well as a plot plan dated May 30 2013 prepared by William R. D'Entremont, PLS. Steve Garfield appeared in support of the application. Diane Levinson of 1 Waldron Court Place spoke in opposition to the application to the extent that it calls for a garage, legal access to which the Applicant does not have. The garage proposed has no access to a public way. Julie Ronen of 2 Waldron Court Place, and Joan Daley of 3 Waldron Court Place spoke in opposition to the application for the same reason. The Board voted unanimously to allow the application except pertaining to the garage proposed. The Board voted unanimously to deny the application as to the garage. Mr. Tubridy is to write the decision.

**7:45 PM        8 FOLLETT STREET**  
**SCOTT & CAMILLE GOOBY**

**Map 924 Parcel 10**  
**File Date: 1/14/2013**

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

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

**Continued from April 23, 2013 with no evidence taken.**

**Continued from May 28, 2013 with no evidence taken.**

Mr. Lipkind did not participate in this hearing. 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 withdraw the application without prejudice was unanimously approved.

**7:45 PM      40 BROWN STREET  
DEIRDRE BERTRAND**

**Map 915 Parcel 9  
File Date: 5/29/2013**

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 additions and deck at **40 Brown Street, Map 915 Parcel 9**, in an Expanded Single Residence District on a pre-existing non-conforming property. The application was presented by Architect Veronica Hobson of Marblehead, accompanied by Charles and Deidre Bertrand. The applicant presented architectural plans dated May 20, 2013 prepared by Taproot Design, Inc. of Marblehead, as well as a plan dated May 13, 2013 prepared by Gail L. Smith PLS. Ms. Hobson advised the Board that abutters Fallon of 4 Ballast Lane, Green of 38 Brown Street, and Bluni of 346 Ocean Avenue approved of the application. The application was unanimously approved, subject to conditions that construction be built as shown on the plans, and that the permit is delayed until the appeal period on the decision has run. Mr. Drachman is to write the decision.

**8:00 PM      8 SOUTH STREET  
CHARLES BRIDGES**

**Map 130 Parcel 57-1  
File Date: 6/5/2013**

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 **8 South Street, Map 130 Parcel 57-1**, in a Central Residence District on a pre-existing non-conforming property. The application was presented by Attorney Paul Lynch of Marblehead, accompanied by builder Tom Jacobs of Marblehead. The applicant presented undated architectural plans, as well as a plan dated May 20, 2013 prepared by Gail L. Smith, PLS. Mr. Lynch also presented an assessors plan of the area, and a written project summary. Nobody else appeared regarding this application. The application was unanimously approved, with conditions. Mr. Barlow is to write the decision.

**8:00 PM      10 TIOGA WAY  
CHARLES & MARY PATSIOS**

**Map 153 Parcels 3H-3I  
File Date: 6/17/2013**

The Board held a hearing on a request to vary the application of the present Zoning By-law by allowing a Special Permit to change the use from retail to residential and demolish an existing structure and construct a 12 unit multi-family structure with an underground parking garage at **10 Tioga Way, Map 153 Parcel 3H & 3I**, in an Unrestricted District on a pre-existing non-conforming property. The application was presented by Attorney Paul Lynch of Marblehead, accompanied by Architect Walter Jacob, and Charles Patsios. The applicant presented architectural plans dated June 6, 2013, prepared by Walter Jacob, Architect, Ltd. of Marblehead, as well as an architectural plan dated June 10, 2013 prepared by Gail L. Smith, PLS. Mr. Lynch also presented an assessors plan of the area, and a written summary of the application. Attorney Bill Di Mento of Swampscott appeared representing the Trustees of the Arnold Terrace Condominium in opposition to the application. A petition was presented signed by many neighbors who opposed the application at 3, 5, 8, 15, 17, 19, 23, and 35 Arnold Terrace. Several neighbors appeared in person in opposition to the application, many of whom stated that they did not think the size or use of the proposed building was appropriate. Others discussed stormwater drainage concerns and environmental contamination concerns. Concerns were expressed

regarding density, traffic, height and use. The applicant's request to withdraw the application without prejudice was unanimously approved.

**8:15 PM      89 FRONT STREET  
MARBLEHEAD BOATYARD INC**

**Map 148 Parcel 57  
File Date: 6/17/2013**

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 to the existing non-conforming building which will exceed the maximum allowed height and to allow for three dwelling units in an existing non-residential building at **89 Front Street, Map 148 Parcel 57**, in the Harborfront District on a pre-existing non-conforming property. The application was presented by Attorney Paul Lynch of Marblehead, accompanied by Ken Golding of Marblehead Boatyard, Inc. The applicant presented a survey dated April 24, 2013 prepared by Gail L. Smith, Professional Land Surveyor, as well as architectural plans dated June 12, 2013 prepared by Walter Jacob, Architect of Marblehead. The applicant advised the Board that the Building Code required elevator access and an elevator head house on the roof, resulting in the requested special permit to exceed the maximum height requirement. The applicant explained that extensive repairs had been performed on the structure, resulting in the applicability of the access requirements. The applicant advised the board that the change of use so as to allow three dwelling units is required in part in order to make the building economically viable. Several persons spoke in opposition to or otherwise questioned the application including Alyce Spring of 15 Glover Square, David Reed of 12 Front Street, Ralph Carlton of 57 Flint Street, Jack Buba of Carna Road, Sheryl Patton of 25 Lee Street, and Michelle Fontaine of 84 Front Street. A letter was received from Toby Reilly in opposition to the application. After the hearing was closed, the board deliberated and took two votes. It voted unanimously to deny the portion of the application seeking three dwelling units, and unanimously to approve the portion of the application pertaining to the elevator and a dormer. Mr. Moriarty is to write the decision.

**8:15 PM      25 NEPTUNE ROAD  
STEPHEN COSTA**

**Map 122 Parcel 13  
File Date: 5/6/13**

**Continued from June 18, 2013 with Evidence Taken:  
Tubridy, Drachman, Krasker, Barlow, Lipkind**

The Board continued its hearing a request to vary the application of the present Zoning By-law by allowing a Special Permit to demolish an existing single family dwelling and construct a new single family dwelling at **25 Neptune Road, Map 122 Parcel 13**, in a Shoreline Single Residence District on a pre-existing non-conforming property. The applicant, through Architect Veronica Hobson of Marblehead presented a revised set of plans geared toward meeting neighbors' concerns expressed at a recent Planning Board hearing. The revised plans reduced the roof pitch and the building height. The applicant also presented a Vista Pruning Plan dated April 20, 2013 prepared by Wetlands & Management, Inc. Several neighbors spoke in support of the application including Peter Etholm of 21 Neptune Road, Richard Katz of 29 Neptune Road, Mark Forziati of 22 Neptune Road, and Michael Kaloutas of 11 Neptune Road. Joanne Clifford of 16 Knight Avenue spoke in opposition, but said she appreciated the changes that were made. The Board voted unanimously to approve the application, with conditions. Mr. Tubridy is to write the decision.

**8:30 PM      15 ADAMS ROAD  
ANTHONY & KARA SCIVETTI**

**Map 65 Parcel 8  
File Date: 6/20/2013**

The Board commenced a hearing on a request to vary the application of the present Zoning By-law by allowing a Special Permit to construct additions and decks at **15 Adams Road, Map 65 Parcel 8**, in a Shoreline Single Residence District & Single Residence District on a pre-existing non-conforming property. The application was presented by architect Walter Jacob of Marblehead, accompanied by Anthony and Karen Scivetti. The applicant presented architectural plans prepared by Mr. Jacob, as well as a plot plan prepared by Vernon J. LeBlanc, Professional Land Surveyor, dated June 11, 2013. Marcelle Schmitt of 9 Grant Road spoke in opposition to the application, expressing concerns about views and air flow. Jeff Frankel of 3 Grant Road expressed concerns about the impact of the proposed construction on flooding in the area. Ray Colwell of 18 Greystone Road also expressed concern about the proposed construction increasing stormwater runoff. Robert Krock of 4 Grant Road also expressed concern regarding stormwater runoff. The applicant advised that stormwater would be kept onsite. The matter was continued to August 27, 2013 at 8:15 p.m. with evidence taken.

**8:30 PM      18 ANDERSON STREET  
DAVIS GRIFFITH**

**Map 117 Parcels 75  
File Date: 6/24/2013**

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 and deck at **18 Anderson Street, Map 117 Parcel 75**, in a Business One District on a pre-existing non-conforming property. The application was presented by architect D. Bruce Greenwald of Marblehead, accompanied by Mr. Griffith. The applicant presented architectural plans dated February 13, 2013 prepared by Mr. Greenwald, a plot plan dated June 14, 2013 prepared by Peter J. Kane, Professional Land Surveyor, and several photographs of the site. Written expressions of approval for the application were received from the owners at 16, 20, 22 and 26 Anderson Street. Nobody appeared in opposition to the application. The application was unanimously approved, with conditions. Mr. Barlow will write the decision.

**ADMIN      14 RAMSAY ROAD  
MEGAN MEYERS**

**Parcel ID 143-13  
File Date: 6/26/13**

The board unanimously approved on an administrative basis a change of windows on the rear elevation to sliding doors. The change was shown on plans dated March 3, 2013 prepared by Megan Meyers Interiors.

The meeting was then adjourned.

Respectfully submitted,



Alan E. Lipkind