

BOARD OF APPEALS
TOWN OF MARBLEHEAD

Minutes of Meeting of August 27, 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.

HEARINGS:

**7:30 PM 22 FOSTER STREET
RALPH & MERYL SEVINOR**

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

Continued from June 18, 2013 with no evidence taken

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 an existing garage and portions of the existing house and construct a new attached garage to the existing house, and 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 application was presented by Attorney William DiMento of Swampscott, accompanied by Architect Thaddeus Siemaszko of Beverly, as well as Ralph and Meryl Sevinor. Attorney DiMento advised the Board that site plan review had been granted by the Planning Board and that the grant had been appealed and scheduled for trial with the Land Court. Mr. DiMento advised the Board that the Conservation Commission had approved the project as well. The applicant provided the Board architectural plans, a survey, as well as a photos and a photo study of how the proposed structure would look from various locations including from inside the neighboring house at 20 Foster Street.. Appearing in support of the application were Davis Paul of 26 Foster Street and John Corbino of 6 Harvard Street. Letters in support of the application were received from Mr. Corbino as well as Dr. and Mrs. Paul Blando of 26 Foster Street, and James Kellogg of 28 Foster Street. Appearing in opposition to the application was Attorney George Atkins for the abutter William Nutt of 20 Foster Street. Attorney Atkins stated that the subject lot is undersized, and that the proposed construction will impact privacy and views. Mr. Nutt explained the history of the parcels. Board members indicated their concerns with the proposal. The applicants' request to withdraw the application without prejudice was unanimously approved.

**7:30 PM 186 ATLANTIC AVENUE
SUSAN BEEBE**

**Parcel ID 67-23
File Date: 6/25/13**

Mr. Moriarty did not participate in this hearing. 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 an existing detached garage and construct a new detached garage at **186 Atlantic Avenue, Map 67 Parcel 23**, in a Single Residence District on a pre-existing non-conforming property. The application was presented by Architect Heather Deschenes of HND Architects in Marblehead, accompanied by Susan Beebe. The applicant presented architectural plans dated June 24, 2013

prepared by Ms. Deschenes, as well as a plan dated June 6, 2013 prepared by Gail L. Smith, Professional Land Surveyor. Ms. Deschenes described the proposal, including the fact that the existing garage is not structurally sound. Written support for the application was received from Mark Grady at 27 Phillips Street, as well as neighbors at 180 and 190 Atlantic Avenue, and 33, 35 and 47 Locust Street. Nobody appeared in opposition to the application. The application was unanimously approved. Mr. Drachman is to write the decision.

**7:45 PM 46 HARBOR AVENUE
PETER & MIRIAM MCMANUS**

**Parcel ID 908-18
File Date: 7/1/13**

Mr. Lipkind did not participate in this hearing. 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 new detached garage at **46 Harbor Avenue, Map 908 Parcel 18**, in an Expanded Single Residence District on a pre-existing non-conforming property. The application was presented by Architect Robert Zarelli of Marblehead. The applicant presented architectural plans dated June 20, 2013 prepared by Mr. Zarelli, as well as a plot plan dated June 12, 2013 prepared by Thomas F. Winslow, Professional Land Surveyor, of Hayes Engineering, Inc. of Wakefield. The application was unanimously approved, with conditions.

**7:45 PM 29 COLUMBIA ROAD
BRUCE CAWLEY**

**Parcel ID 33-15
File Date: 7/9/13**

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 second floor addition at **29 Columbia Road, Map 33 Parcel 15**, in a Single Residence District on a pre-existing non-conforming property. The application was presented by Chris Monaco, builder, accompanied by Bruce and Christine Cawley. The applicant presented architectural plans prepared by CBC Design Group, as well as a Hearing Plan dated June 1, 2013 prepared by Daniel L. Lynch, Professional Land Surveyor. Nobody else appeared regarding this application, which was unanimously approved. Mr. Drachman is to write the decision.

**8:00 PM 36 FOSTER STREET
DAVID & KRISTIN BARRETT**

**Parcel ID 917-3
File Date: 7/10/13**

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 accessory building (garage) at **36 Foster Street, Map 917 Parcel 3**, in a Shoreline Expanded Single Residence District. The applicant's request to withdraw the application without prejudice was unanimously approved.

**8:00 PM 15 BATCHELDER ROAD
SUSAN HULEATT**

**Parcel ID 157-19
File Date: 7/23/13**

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 second floor addition, a porch and a deck at **15 Batchelder Road, Map 157 Parcel 19**, in a Shoreline Single Residence District on a pre-existing non-conforming property. The application was presented by Architect Veronica Hobson

of Marblehead, accompanied by Susan and Hugh Huleatt. Ms. Hobson presented architectural plans which she prepared, as well as a site plan dated July 3, 2013 prepared by Peter J. Kane of Kane Land Surveyors in South Hamilton and an assessors plan of the area. Support for the application was received from neighbors at 11 and 16 Batchelder as well as 17 Kenneth Road. Nobody appeared in opposition to the application. The application was unanimously approved, with conditions. Mr. Lipkind is to write the decision.

**8:15 PM 15 ADAMS ROAD
ANTHONY & KARA SCIVETTI**
**Continued from July 23, 2013 with evidence taken:
Tubridy, Drachman, Moriarty, Barlow, Lipkind**

**Parcel ID: 65-8
File Date: 6/20/13**

The Board held 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 Attorney Paul Lynch off Marblehead. Mr. Lynch presented architectural plans prepared by Walter Jacob, as well as a revised plot plan dated July 16, 2013 prepared by Vernon J. Leblanc, PLS. Mr. Lynch advised the Board that Griffin Engineering had prepared a drainage plan and noted that the ground is permeable. Mariel Schmitt of 9 Grant spoke in favor of the application, and noted that she had worked with the applicant's architect, Walter Jacob, on the compromise plans currently under consideration. Nobody else appeared in favor of or opposed to the application. The application was unanimously approved, with conditions. Mr. Drachman is to write the decision.

**8:15 PM 24 ROSE AVENUE
WHITNEY & MICHAEL GILLETT**

**Parcel ID 24-42
File Date: 7/24/13**

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 two story addition and a front entry portico at **24 Rose Avenue, Map 24 Parcel 42**, in a Single Residence District on a pre-existing non-conforming property. The application was presented by Architect Brigitte Fortin of Marblehead, accompanied by Whitney and Michael Gillett. The applicant presented architectural plans dated July 22, 2013 prepared by Ms. Fortin as well as a plan dated July 18, 2013 prepared by Gail L. Smith, PLS. Written support for the application was received from owners at 18, 20, 21, 25, 26, 27, 28 and 29 Rose Avenue and 27, 31, 33 and 35 Leicester Road. Nobody appeared in opposition to the application. The application was approved, with conditions. Mr. Moriarty is to write the decision.

**8:30 PM 15 CURTIS STREET
BRIAN & PATRICIA FRENCH**

**Parcel ID 135-46
File Date: 7/30/13**

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, porch and deck at **15 Curtis Street, Map 135 Parcel 46**, in a Single Residence District on a pre-existing non-conforming property. The application was presented by Brian and Patricia French. The applicant presented architectural plans dated July 9, 2013 prepared by Paul R. Lessard, registered architect, of Salem, as well as a

plan dated July 2, 2013 prepared by Gail L. Smith, PLS. Linda Pfeiffer of 19 Curtis Street spoke in favor of the application. Nobody else appeared in connection with this application which was unanimously approved, with conditions. Mr. Tubridy is to write the decision.

ADMIN 1 RICHARD ROAD
ELANA LANDE

Parcel ID 42-40
File Date: 7/23/13

Elana Lande requested approval of window changes, a rear wall material change, and decorative wood panel change, relating to a Special Permit previously voted on by the Board on March 12, 2013, and recorded with the Town clerk on March 27, 2013. Ms. Lande provide plans showing the changes prepared by Margarita Muzykina, interior and architectural designer. The request for administrative relief was unanimously approved.

OLD AND NEW BUSINESS:

- The Board approved Minutes of Meeting of May 28, 2013 and June 18, 2013.

The meeting was then adjourned.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'Alan E. Lipkind', with a stylized, flowing script.

Alan E. Lipkind

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