



**Town of Marblehead  
Zoning Board of Appeals**

Mary Alley Municipal Building  
7 Widger Road  
Marblehead, MA 01945  
Telephone: 781-631-1529  
Fax: 781-631-2617

**MEETING MINUTES  
OCTOBER 22, 2013**

**Meeting begins at 7:30 PM**

**Legal Ads Run: 10/3/13 & 10/10/13**

**Mr. Moriarty explained the zoning board process to the assembly prior to calling the first hearing.**

**HEARINGS:**

**7:30 PM 14 TUFTS STREET**

**SHEILA & ROBERT SHUMAN,**

**Parcel ID 17-26**

**File Date: 8/30/2013**

Application to vary the present Zoning By-law by allowing a Special Permit to construct stairs and a bulkhead and add an in-law unit at **14 Tufts Street, Map 17 Parcel 26**, in a Single Residence District on a pre-existing non-conforming property. Mr. Moriarty writing the decision. Sheila and Robert Shuman appeared along with Greg LaBombard, builder. They want a set of stairs constructed to fall in the setback and the bulkhead to shift location. They want to create an inlaw apartment to have family members come in to help in future. Ramp in front is conforming to ADA standards. The set of stairs coming off the ramp are in the setback. Bulkhead is for access to basement to continue. Home located in a single residence district. Applicants have asked for a special permit in the notice. Mr. Moriarty explained the Board does not have the power to give a special permit for a single residence district. In a hardship case, must ask for a variance to be granted. If proceed under variance standard, take the risk that someone might complain of defective notice. Applicants say all abutters are in support. Variance standard requires hardship to be related to the land of the building. Question about a converted dwelling definition. Applicants health condition has progressed. Neighbors' letters in support entered in to evidence. Continued to Dec. 17 at 7:30.

**7:30 PM 24 WILLOW ROAD**

**JONATHAN & ANNIKA PHENIX**

**Parcel ID 104-1**

**File Date: 9/5/2013**

APR 24 2014  
APR 24 2014

Application to vary the present Zoning By-law by allowing a Special Permit to construct an addition, steps and landing at **24 Willow Road, Map 104 Parcel 1**, in a Single Residence District on a pre-existing non-conforming property. Mr. Tubridy writing the decision. Paul Lynch, attorney appeared with the applicants. Summary and assessors map entered into evidence. Only encroachment into setback. Rachel Asher 30 Willow road appeared in support. Letters of support entered into evidence. Usual conditions approved with a vote of 5-0.

**7:45 PM     37 CORNELL ROAD**  
**NEIL GEARY**

**Parcel ID 71-33**  
**File Date: 9/17/2013**

Application to vary the present Zoning By-law by allowing a Special Permit to demolish the existing single family dwelling and shed and construct a new single family dwelling at **37 Cornell Road, Map 71 Parcel 33**, in a Single Residence District on a pre-existing non-conforming property. Mr. Krasker to write opinion. Paul Lynch appeared with the applicant, Neil Geary. Prior hearing where application was withdrawn without prejudice. Picture, assessor map and summary entered into evidence. Took height down to 28.4 feet and total living space is 2829 sq ft. Open ratio is over 1:1. Minor excavation because pulling house forward by 2 feet. No basement at present and there is one proposed for 1095 sq feet. Pictures of other dwellings in neighborhood entered into evidence. Favor – 42 Cornell Road, Linda Powell. No one opposed. With usual conditions approved 5-0.

**7:45 PM     34 ATLANTIC AVENUE**  
**SRP 34 ATLANTIC AVE, LLC**

**Parcel ID 114-39**  
**File Date: 9/18/2013**

Application to request an extension of the previously issued Special Permit issued on 10/15/2012 (to demolish the existing building and construct a new building) for **34 Atlantic Avenue, Map 114 Parcel 39**, in a Business One District and General Residence District on a pre-existing non-conforming property. Mr Paul Lynch appeared to explain the permit was actually pulled . Administrative hearing with Walter Jacob held. Siding is all clapboard. Remove 14 sq feet from the proposal see A.1a on plans dated 10.15.13. A.3 to A.3a shown different windows. A.4.a shows new door proposed. 5-0 all changes approved.

APR 24 2014



**8:00 PM     30 WILLOW ROAD  
W. PERRY ASHER**

**Parcel ID 103-9 & 9B  
File Date: 9/20/2013**

Application to vary the present Zoning By-law by allowing a Special Permit to construct a new shed at **30 Willow Road, Map 103 Parcel 9&9B**, in a Single Residence District on a pre-existing non-conforming property. Mr. Barlow to write. Applicants appeared. Height no more than 10 feet 4" from ground. Build as shown on plot plan. No one in opposition or favor. Approved with usual conditions 5-0.

**8:00 PM     28 BEACON STREET  
CHARLES MORROW**

**Parcel ID 171-18  
File Date: 9/23/2013**

Application to vary the present Zoning By-law by allowing a Special Permit to construct additions, a porch and replace the existing shed with a larger workshop at **28 Beacon Street, Map 171 Parcel 18**, in a Shoreline Single Residence District and Historic District on a pre-existing non-conforming property. Mrs. Hintlian to write. Architects and applicants appeared. The structure exceeds the height requirements, but not adding height to the structure. Application proposes a porch and shed dormers. It is an unconventional shaped lot. There is a small canopy at the back. They would replace the existing garden shed and windows on the structure as well. There is a clerical error on the form. The issue is the total lot is higher than the town survey, so increases the open GFA ratio to 1.41. The applicants received a certificate of appropriateness from historic commission in August 2013. Letters of support were entered from the neighbors at 2, 12, 16, 11, 15, 17, 26, 28 Gingerbread Hill, and 23 and 29 Beacon Street. The shed will be a potting shed and accommodate kayak equipment. The shed is elevated so cannot support a car to be used as a garage. From Gingerbread Hill street view, the house appears as a one story. If pull shed farther from the property line will not be able to access the shed without changing the topography. The owner of 11 Gingerbread Hill, Doris Loudon, in favor of the proposal. No one appeared in opposition. Topography and difficult placement of shed are consideration to allow the 3 feet to the property line. Approved with usual conditions 5-0.

**8:15 PM     58 GREGORY STREET  
HENLEY & ELANA WEBB**

**Parcel ID 131-62  
File Date: 9/24/2013**

Application to vary the present Zoning By-law by allowing a Special Permit to construct additions and deck at **58 Gregory Street, Map 131 Parcel 62**, in a Shoreline General Residence District and General Residence District on a pre-

APR 24 2014

existing non-conforming property. Mr. Moriarty to write. Paul Lynch requesting continuance to November meeting. No evidence taken.

**8:15 PM     113 JERSEY STREET  
THERESA TAURO**

**Parcel ID 124-18  
File Date: 9/25/2013**

Application to vary the present Zoning By-law by allowing a Special Permit to add new windows at **113 Jersey Street, Map 124 Parcel 18**, in a Single Residence District on a pre-existing non-conforming property. Theresa Tauro, applicant appeared. Mr. Moriarty to write. Applicant explained that when she did the addition years ago, condition was put on regarding the windows. Spoke with abutters and no present opposition. Windows will match the others. No one in favor or opposed. Maintaining the prior restrictions and usual conditions, 5-0 approved.

**8:30 PM     78 BEACON STREET  
GARY CANNER & LUANNE OFF**

**Parcel ID 185-6  
File Date: 9/26/2013**

Application to vary the present Zoning By-law by allowing a Special Permit to construct dormers and additions and approve undersize parking at **76 Beacon Street, Map 185 Parcel 6**, in an Expanded Single Residence District on a pre-existing non-conforming property. Mr. Tubridy to write. Attorney Bob McCann appearing with applicants. Purchased on September 9<sup>th</sup>. Very small, undersized lot. Plan entered showing lot existed prior to zoning regulations. At zero lot line in the rear. The house has a stream running underneath it. House and Lot have multiple existing non-conformances. Proposed total increase of 595 sq ft, The two existing parking spots are undersized and will not change. No proposed expansion of existing footprint. They want to provide access to the 2<sup>nd</sup> floor. They are raising the center, but height still under the bylaws. Letters of support from 7 neighbors entered into evidence. Revised plans entered into evidence. Both AC units to be put on the west elevation abutting the woods and away from the Leeson's adjacent home. The front also has two little dormers proposed for looks. Going from 18'6" to 20'6". Attic floor is at deck level and provides a little storage space. Difficulty of the lot makes this a unique and individual structure. With the usual conditions and condition of placement of ac units on the northwest side, in accordance with the plans dated Oct 12, 2013, approved by 5-0 vote.

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

**Parcel ID 158-40  
File Date: 9/10/2013**

APR 24 2014



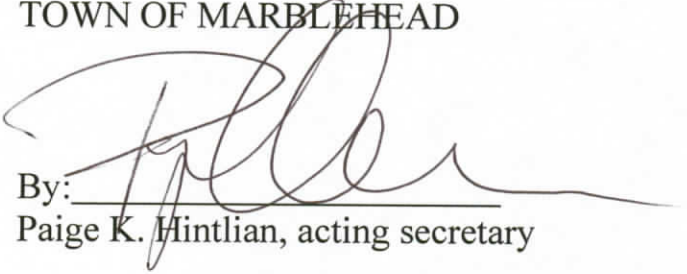
Relocate covered porch and french door from rear to side. Michael Keene removed covered porch from one side and move it to the other. Discussion regarding if this is a material change. Mr. Barlow concerned because the footprint of the building is being changed. Footprint is a factor to be considered on a case by case basis. Ask whether this impacts the neighborhood. No negative impact on neighborhood, no impact on traffic or derivation of the general bylaw. This is a reduction on the GFA. Porch is existing already. Approved by vote of 5-0.

**ADMIN     14 RAMSAY ROAD**  
**JONATHON & MEGAN MEYERS**

**Parcel ID 143-13**  
**File Date: 9/23/2013**

Proposed a change in windows. Change size and spacing in the southwest elevations and northeast. 5-0 allowed.

TOWN OF MARBLEHEAD

By:   
Paige K. Hintlian, acting secretary

APR 24 2014