

**BOARD OF APPEALS
TOWN OF MARBLEHEAD**

Minutes of Meeting of November 26, 2013

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

HEARINGS:

**7:30 PM 20 WEST ORCHARD STREET
SANDRA FORZIATI**

**Parcel ID 65-15
File Date: 10/16/2013**

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 porch at **20 West Orchard Street, Map 65 Parcel 15**, in a Shoreline Single Residence District, on a pre-existing non-conforming property with less than the required lot frontage, rear yard setback and side yard setback. The proposed new construction would have less than the required rear and side setbacks, and exceeds the 10% expansion limit. The application was presented by Satltsman Brenzel Architects of Boston with architectural plans dated October 10, 2013. A survey dated October 15, 2013 prepared by Donohoe Survey Inc, Professional Land Surveyor, was submitted showing a change in the distance from the new addition to the rear lot line from 10.4 ft. to 8.2 ft. The Architect also noted that the roofline would be modified on the south facing elevation of the one-story dwelling. Several neighbors asked whether the 4ft. wide right-of-way at the side and rear of the lot would be modified in any way as a result of this application. The applicant responded saying that no changes, including the existing fences, would be made. An abutting neighbor on West Orchard Street, Karen Delprete appeared in opposition to the application on the basis that the proposed plot plan showed the removal of an existing circular driveway on the applicant's lot that that connected to and served both the applicant's and abutter's adjoining properties. The applicant offered to allow the existing driveway and its connection to remain however members of the Board determined that a revised plot plan would be required to show these changes in order for the Board to consider this application. The applicant's request to withdraw the application without prejudice was unanimously approved.

**7:30 PM 58 GREGORY STREET
HENLEY & ELANA WEBB**

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

The Board was prepared to hold a hearing on the continuance of a prior hearing with no evidence taken to vary the application of the present Zoning By-law by allowing a Special Permit for an addition and deck at **58 Gregory Street, Map 131 Parcel 62**, in a Shoreline General Residence District and General Residence District on a pre-existing non-conforming property. The applicant's request to withdraw without prejudice from this hearing was unanimously approved.

**7:45 PM 68 POND STREET
LAURA FREYSINGER**

**Parcel ID 170-18A
File Date: 10/23/2013**

The Board held a hearing on a request to vary the application of the present Zoning By-law by allowing a Special Permit for a roof reconstruction and expansion over a deck at 68 Pond Street, Map 170 Parcel 18A, in a Central Residence District on a pre-existing non-conforming property with less than the required lot area, side yard setback, open area and parking. The proposed new construction would have less than the required side yard setback, and open area. The application was presented by Attorney Robert McCann of Danvers on behalf of the applicant with architectural plans dated September 18, 2013 prepared by Poore & Co, Architects of Gloucester as well as a plot plan dated September 3, 2013 prepared by Gail L. Smith, Professional Land Surveyor. The applicant seeks to remove the exiting porch roof and construct a new, expanded roof over the existing porch deck. No one appeared at the hearing to speak either in support or in opposition to the application. In reviewing the plans Board Members observed that a portion of the proposed extended roof would encroach over the front property line and the public street. Since the Board does not have jurisdiction over public streets, a Special Permit could not be granted for this application. The applicant then requested that new plans eliminating this encroachment be prepared and submitted to the Board at a future hearing. The Board agreed and continued the hearing to January 28, 2014 at 7:30PM.

**7:45 PM 10 MOORING ROAD
KIMON & CHRISTINA
PANDAPAS, TRUSTEES**

**Parcel ID 192-1
File Date: 10/23/2013**

The Board was prepared to hold a hearing on a request to vary the application of the present Zoning By-law by allowing a Special Permit for the demolition of a single family dwelling and construction of a new single family dwelling at 10 Mooring Road, Map 192 Parcel 1, in a Shoreline Expanded Single Residence District on a pre-existing non-conforming property. Attorney Paul Lynch appeared on behalf of the applicant to request withdrawal of the application. The Board unanimously approved withdrawal of the application without prejudice.

**8:00 PM 3 GINGERBREAD HILL
JOHN & ELKE BACKMAN**

**Parcel ID 186-4
File Date: 10/30/2013**

The Board held a hearing on a request to vary the application of the present Zoning By-law by allowing a Special Permit for the demolition of a single family dwelling and construction of a new single family dwelling at **3 Gingerbread Hill, Map 186 Parcel 4**, in a Shoreline Single Residence District and Historic District on a pre-existing non-conforming property with less than the required lot area, frontage, front yard setback, rear yard setback, side yard setback and parking. The proposed new construction would have less than the required front, rear and side yard setbacks, exceeds the maximum height and exceeds the 10% expansion limit. The application was presented by Attorney Bob McCann of Danvers, accompanied by the applicant who is also the architect and who provided the Board with architectural plans dated October 28, 2013 as well as a plot plan dated October 18, 2013 prepared by Gail L. Smith, PLS. Mr. McCann

described the project and presented a written summary of the relief requested. Questions related to the completion of documents required for Historic Commission and Planning Board approval as well as requirements for foliage management and construction blasting were agreed by the applicant to be included in the conditions for this Special Permit. Support at the hearing for the application was received from owners at 50, 52, 56 and 58 Beacon Street; 9 and 15 Gingerbread Hill and 20 Mill Pond . Nobody else appeared at the hearing in favor or in opposition to the application. The application was unanimously approved, with conditions. Mr. Barlow is to write the decision.

**8:00 PM 191 B GREEN STREET
RAM ISLAND REALTY**

**Parcel ID 158-36C
File Date: 10/31/2013**

The Board held a hearing on a request to vary the application of the present Zoning By-law by allowing a Special Permit for the construction of a new single family dwelling at **191 B Green Street, Map 158 Parcel 36C** in a Single Residence District on a pre-existing non-conforming property with less than the required frontage. The proposed new construction would have no new dimensional conformities. The application was presented by Attorney Paul Lynch on behalf of the applicant with architectural plans dated October 30, 2013 prepared by Taproot Design Inc., Architects as well as a plot plan dated October 29, 2013 prepared by Kane Land Surveyors, PLS. No one appeared at the hearing to speak either in favor or in opposition to the application. The Board in its review of the documents noted that a prior Special Permit had been granted in November of 2001 to subdivide a single lot to become two lots, one of which is now the subject of this hearing. One of the parcels, 191A Green Street has a recently built dwelling that was granted by Special Permit. The adjacent 191B Green Street parcel is vacant and seeks approval for the construction of a new dwelling pending the approval of this Special Permit. In further review the Board noted that the 2001 Special Permit for the Subdivision had contained a number of conditions imposed by the Conservation Commission for both sub divided parcels relating to storm water runoff and mitigation of negative impacts on an adjacent wetland. As no information pertaining to these conditions was submitted in the 191B Green Street application for this Special Permit the Board determined that there was insufficient information available to make a determination on the application. The applicant then requested that the hearing be postponed in order to produce the additional required documents. The Board unanimously agreed and continued the hearing to January 28, 2014.

**ADMIN 25 NEPTUNE ROAD
STEPHEN & NICOLE COSTA**

Parcel ID 122-13

Architect Veronica Hobson appeared and sought administrative approval to extend roof overhangs from 18” to a depth of 24” around the perimeter of the dwelling. In discussion the Board determined that the request represented a material departure from the plans approved by Special Permit at the July 23, 2013 hearing. The Board denied the request by a 4 to 1 vote.

**ADMIN 7 BAYVIEW ROAD
KHOURI RESIDENCE**

Parcel ID 122-36

The applicant appeared with plans revised by Pitman & Wardley architects on October 15, 2013 and stamped by the Board on October 29, 2013, seeking administrative approval of certain changes to include removing a portion of deck that extended over the front door landing and to revise the handrail detail on the second floor deck. None of these changes would affect the height and size of the building. The request was unanimously approved. Mr. Khouri is to write a letter to the building inspector.

**ADMIN 24 ROSE AVENUE
WHITNEY & MICHAEL GILLET**

Parcel ID 24-42

Architect Brigitte Fortin appeared on behalf of the applicant with revised plans dated by the Board on November 7, 2013 and sought administrative approval of certain changes to include lowering the rooflines on the dwelling and attached garage, modifying the placement of two windows and replacing a single window with two windows. The request was unanimously approved. Ms. Fortin is to write a letter to the building inspector.

OLD AND NEW BUSINESS:

The meeting was then adjourned.

Respectfully submitted,

David Tubridy