



Town of Marblehead Zoning Board of Appeals

Mary Alley Municipal Building
7 Widger Road
Marblehead, MA 01945
Telephone: 781-631-1529
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MEETING MINUTES DECEMBER 17, 2013

Meeting began at 7:30 PM

Legal Ads Ran: 11/28/13 & 12/5/13

HEARINGS:

7:30 PM 14 TUFTS STREET

SHEILA & ROBERT SHUMAN

Parcel ID 17-26

File Date: 8/30/2013

Continued from 10/22/13 with evidence taken:

Tubridy, Krasker, Moriarty, Barlow, Hintlian

To vary the application of 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. Member Tubridy did not sit and the applicants agreed to continue with the four members present. The petitioner appeared with their builder from Red Phoenix Construction and presented revised plans for a second kitchen in the house, as well as for the exterior construction to accommodate a HC ramp. In the prior application, the applicant averred that he was permitted to add the second kitchen as a matter of right, an assumption that is not in keeping with the Board's interpretation that if the second kitchen creates a converted dwelling to a two family structure in a Single Residence District, a Special Permit is required. The revised plans provided for an open concept which did not implicate the two family status. After making the appropriate findings, the Board members (Chairman Moriarty, Member Barlow, Alternate Members Hintlian and Krasker) voted unanimously to grant the special permit subject to the usual conditions.

7:30 PM 3 FORT BEACH WAY

SUZANNE NIEMEYER

Parcel ID 167-21-14

File Date: 11/6/2013

To vary the application of the present Zoning By-law by allowing a Special Permit for the removal of an existing deck and the construction of a new larger deck at **3 Fort Beach Way, Map 167 Parcel 21-14** in the Shoreline Central Residence

District, Harborfront District and Historic District on a pre-existing non-conforming property. The petitioner appeared with her architect, John Albright, with plans to remove the existing rear deck and construct a new larger deck in the same location on a pre-existing nonconforming lot with less than the required lot area, frontage, rear and side yard setbacks, less than the required open area and less than required parking. The Net Open area to Total Gross Floor Area ratio is currently 1:0.130 and the new construction will increase the square footage by 83 square feet, or a reduction in the ratio to 1:0.087. With no one appearing either for or against the project, the Board made the requisite findings and voted unanimously (Members Tubridy, Barlow, Alternate Member Krasker and Chairman Moriarity) to approve the Special Permit with the usual conditions.

7:45 PM 31 AUBURNDALE ROAD
KRISTINE & LAZARUS
PASTRIKOS

Parcel ID 31-72
File Date: 11/6/2013

To vary the application of the present Zoning By-law by allowing a Special Permit to construct an addition at **31 Auburndale Road, Map 31 Parcel 72** in a Single Residence District on a pre-existing non-conforming property. The petitioners, Kristine and Lazarus Pastrikos, appeared with plans for a full shed dormer in the rear of the house on a lot with less than the required lot area, lot width, lot frontage, side yard setback and front yard setback.. The new construction will be in the side yard setback. Even with the addition, the Net Open Space ratio will be only reduced from 1:1.55 to 1:1.50. Mr. Alan Peterson, the applicant's father-in-law indicated that he had spoken to all of the abutters who were in favor of the project. Mr. Robert Cashman of 33 Auburndale Road submitted a letter in favor of the project. After making the requisite finding, Members Tubridy and Barlow, Alternate Member Krasker and Chairman Moriarity voted to approve the special permit with the usual conditions..

7:45 PM 47 CHESTNUT STREET
GAIL DOYLE, TRUSTEE

Parcel ID 112-23
File Date: 11/14/2013

To vary the application of the present Zoning By-law by allowing a Special Permit to construct additions at **47 Chestnut Street, Map 112 Parcel 23**, in a Shoreline Single Residence District on a pre-existing non-conforming property. The application is for a lot with less than the required lot area, lot frontage and lot width and a pre-existing non-conforming structure with less than the required rear yard setback and side yard setback. Petitioner was represented by Attorney Robert

McCann and Architect Robert Voosen. In addition to the Plans dated October 2, 2013, the petitioner submitted letters in support from Stephen Roger, 53 Chestnut Street, Susan Hassett, 4 Harborview, Frances King, 36 Chestnut Street, and Gergory and Louise Wager, 48 Chestnut Street. The hearing followed a previous application during which the Board indicated that the proposed project reduced the Net Open Space Ratio to an unacceptable level and the petitioner withdrew without prejudice. The instant application has removed the proposed garage from current 1:1:09 to 1:0.94, whereas the prior plan reduced the ratio to 1: 0.71. Additionally, the new plan raises the roof line from 25.5 feet to 28.5 feet, which is still within the permissible height of 30 feet. The net increase in Gross Square feet will be 291 feet.

Speaking against the project was Katherine M. Kallgian of 45 Chestnut Street, the immediate abutter. Ms. Kallgian was concerned with neighborhood overcrowding, overbuilding and loss of light and air. Mr. Robert McNulty submitted an email indicating that he supported Ms. Kallgian and if her concerns could not be accommodated, he would oppose the petition. Mr. Paul Welch, 18 Walnut Street also spoke against the petition on the same grounds as Ms. Kallgian. After closing the hearing and making the requisite findings the Board, Chairman Moriarity, Members Tubridy and Barlow and Alternated Member Krasker voted to approve the special permit with the usual conditions.

Bruce Krasker
Alternate Member ZBA