

BOARD OF APPEALS

TOWN OF MARBLEHEAD

Minutes of Meeting of February 28, 2012

The regularly scheduled and noticed meeting of the Board of Appeals was called to order by 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, Schaeffner, Krasker, and Lipkind.

HEARINGS:

7:30 PM 13-15 MAVERICK STREET (CONT.) Parcel ID 97-4
ALISON BADGER File Date: 11/1/2011

Continued from December 6, 2011 with evidence taken: Tubridy, Krasker, Moriarty, Schaeffner & Lipkind

The Board was prepared to hear a continuance of the December 6, 2011 application for construction of an exterior elevator shaft at the property located in a Single Residence District. Mr. Lipkind as acting chairman advised the applicant's attorney, Reed Cutting of Marblehead, that only four of the board members from the December 6th hearing were present. At that point Mr. Cutting requested that the hearing be continued until the May 22, 2012 hearing. The request for continuance was unanimously approved. Mr. Lipkind will write the decision.

7:30 PM 14 PICKWICK ROAD Parcel ID 31-41
GREGORY DURAN File Date: 12/16/2011

The Board heard a request to vary the application of the present Zoning By-law by allowing a Special Permit for the construction of an addition in a Single Residence District. The new construction exceeds the 10% expansion limit for a non-conforming building on a pre-existing non-conforming property that has less than the required lot area, frontage and side yard setback. The application was presented by the applicant, Gregory Duran with a plot plan dated December 12, 2011 prepared by Scott L. Giles, Professional Land Surveyor of Boxford as well as architectural plans dated November 25, 2011 prepared by Steven Baczek, Architect of Reading. The plans show a new second story addition with deck to be built over an existing first floor at the rear of the house. Board members Lipkind and Schaeffner questioned whether the new deck would affect the adjacent neighbor's privacy and expressed concern that the new second floor addition made the house look somewhat larger than those of its surrounding neighbors. Mr. Duran maintained that he had spoken to his abutting neighbors and that they were all in favor of the application. No one else appeared to speak either in favor or in opposition to the application. The application was unanimously approved, with conditions. Mr. Krasker is to write the decision.

**7:45 PM 35 HALEY ROAD
MICHAEL KARASS**

**Parcel ID 99-19
File Date: 12/19/2011**

The Board heard a request to vary the application of the present Zoning By-law by allowing a Special Permit for the construction of an addition in a Single Residence District. The new construction exceeds the 10% expansion limit for a non-conforming building on a pre-existing non-conforming property that has less than the required frontage and side yard setback. The application was presented by Architect Craig Bosworth of Marblehead with a plot plan dated November 15, 2011 prepared by Douglas A. Chapman, Professional Land Surveyor, of Beverly and architectural plans dated November 15, 2011 prepared by Mr. Bosworth. The applicant is proposing a second floor addition over a portion of the house that is on the opposite side of the portion of the house that is within the side yard setback. Abutting neighbors Greg Vepek of 33 Haley Road and Janet Bach of 17 Girdler Road both appeared in favor of the application. No one appeared in opposition. The application was unanimously approved, with conditions. Mr. Tubridy is to write the decision.

**7:45 PM 25 BROOKHOUSE DRIVE
CHARLES & BARBARA COOK**

**Parcel ID 14-60
File Date: 12/20/2011**

The Board heard a request to vary the application of the present Zoning By-law by allowing a Special Permit for the demolition of an existing garage and construction of a new garage in the same location in a Single Residence District. The new construction is within the side yard setback and exceeds the 10% expansion limit for a pre-existing non-conforming building that has less than the required side yard setback. The applicant, Charles Cook, was accompanied by attorney Robert McCann of Danvers who presented a plot plan dated October 12, 2011 prepared by Gail L. Smith, Professional Land Surveyor of Salem as well as architectural plans dated July 22, 2011 prepared by architects Pitman and Wardley of Salem. The applicant is proposing to construct a larger garage than the original that will be located within 4' of the side lot line. Aron Schaier of 21 Brookhouse Drive appeared in favor of the application. No one else appeared either in favor or in opposition. Board members Schaeffner and Drachman expressed concerns that the footprint of the proposed garage was almost as large as that of the existing house and that the garage should be located further back into the yard and be more than 4' from the side lot line. Also they felt that the side of the garage facing the side lot line was too long and the roofline and dormers were significantly higher than the original garage. Attorney McCann responded that the location of the garage was determined by the angled rear lot line and, sensing that the application might not secure the number of required votes, requested that the application be withdrawn. The request to withdraw the application without prejudice was unanimously approved.

**8:00 PM 45 PICKWICK ROAD
DEREK & GENA RUSHTON**

**Parcel ID 30-46
File Date: 12/28/2011**

The Board heard a request to vary the application of the present Zoning By-law by allowing a Special Permit for the construction of an addition at the rear of a single family dwelling in a Single Residence District. The new construction is within the side yard setback on a pre-existing non-conforming property that has less than the required lot area, frontage, rear yard setback and side yard setback. The applicant, Derek Rushton was accompanied by attorney Carl King and contractor Daniel Speropolous. The applicant presented a plot plan dated October 20, 2011 prepared by Daniel J. Lynch, Professional Land Surveyor of Marblehead, as well as building plans and elevations dated November 17, 2011 prepared by Mr. Speropolous. Board member Schaeffner confirmed with the builder that that the right side of the addition would be 10' from the lot line to match the 10' setback of the existing house. Eileen Cutler of 57 Glendale Road questioned whether a bulkhead at the new addition would be within the side yard setback and also whether construction of the new addition would affect rainwater runoff. Atty. King responded that no bulkhead was to be constructed at the new addition and that the additional depth of 4' created by the new addition would have no affect on water runoff. No one else appeared either in favor or in opposition to the application. The application was unanimously approved, with conditions. Mr. Lipkind is to write the decision.

**8:00 PM 37 FRANKLIN STREET
DEBRA LYNCH**

**Parcel ID 167-30
File Date: 12/28/2011**

The Board heard a request to vary the application of the present Zoning By-law by allowing a Special Permit for the construction of an attached shed in a Shoreline Central Residence District & Historic District. The new construction is within the side yard setback on a pre-existing non-conforming property that has less than the required lot area and side yard setback. The application was presented by attorney Paul Lynch with a plot plan dated December 15, 2011, by Gail L. Smith, Professional Land Surveyor of Salem, as well as architectural plans dated October 20, 2011 prepared by Grazado Velleco Architects of Marblehead. The applicant maintained that he had spoken with his neighbors and that all were in approval of the application and that he had also secured approval from the Old and Historic Commission for the project. Board member Schaeffner requested that construction of the 5'-6" high fence shown on the right property line in the architectural plans be a condition of the permit. No one else appeared either in favor or in opposition to the application. The application was unanimously approved, with conditions. Mr. Drachman is to write the decision.

**8:15 PM 6 CAROL ROAD
ELIZABETH SOPKA, TRUSTEE**

**Parcel ID 85-17
File Date: 12/28/2011**

The Board heard a request to vary the application of the present Zoning By-law by allowing a Special Permit for the construction of an addition at the rear of a single family dwelling in a Single Residence District. The new construction exceeds the 10% expansion limits for a non-conforming building on a pre-existing non-conforming property that has less than the required

side yard setback. The application was presented by the applicant, Carol Sopka along with builder Larry Hudak. The applicant presented plot plan dated December 16, 2011 prepared by David P. Terenzoni, Professional Land Surveyor of Peabody as well as architectural plans dated December 20, 2011 prepared by Kritikos Associates Architects of Peabody. Bruce and Sharyn Rogers of 4 Carol Road appeared and asked if shrubbery and landscape materials on their property would be damaged or otherwise disturbed by the construction described in the application. Larry Hudak responded that all construction activities would be carried out within the confines of the applicant's property. No one else appeared either in favor or in opposition to the application. The application was unanimously approved, with conditions. Mr. Krasker is to write the decision.

**8:15 PM 67 BEACH STREET
JOHN ATTRIDGE**

**Parcel ID 94-8
File Date: 1/4/2012**

No evidence taken.

Hearing was postponed to March 13, 2012 due to an advertising error.

**8:30 PM 22 FOSTER STREET
RWLPH & MERYL SEVINOR**

**Parcel ID 908-4
File Date: 9/2/2011**

Continued from 11/22/11 – no evidence taken

Continued from 1/24/12 – no evidence taken

Request to withdraw the application without prejudice was granted.

The meeting was then adjourned.

Respectfully submitted,

David Tubridy