

BOARD OF APPEALS

TOWN OF MARBLEHEAD

Minutes of Meeting of March 13, 2012

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 Moriarty, Tubridy, Drachman, Krasker, and Lipkind.

HEARINGS:

**7:30 PM 44 BIRCH STREET
NICHOLAS FIORE, III**

**Parcel ID 52-31
File Date: 1/17/2012**

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 an addition in a Single Residence District. The new construction is within the side yard setback and exceeds the 10% expansion limits 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 Architect Tim Sheehan accompanied by Mr. Fiore. The Applicant presented architectural plans dated November 7, 2011 by Timothy Sheehan Design as well as a plot plan dated February 4, 2012 by Kevin E. Danahy, PLS. Mr. Fiore advised the Board that his neighbors approve of the project. Nobody else spoke regarding the application. The application was unanimously approved, with conditions. Mr. Tubridy is to write the decision.

**7:30 PM 14 HARRIS STREET
R. CLARKE FOWLER**

**Parcel ID134-47
File Date: 1/18/2012**

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 an addition in a Central Residence District & Historic District. The new construction reduces open area to less than required and 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, rear yard setback and parking. The application was presented by Architect Veronica Hobson of Marblehead, accompanied by Clarke and Lisa Fowler. The Applicant presented to the Board architectural plans dated December 26, 2011 prepared by Taproot Design, Inc. of Marblehead, a plot plan dated November 14, 2011 prepared by Gail L. Smith, PLS, a narrative summary of the application, and Certificate of Appropriateness #41421 from the Old and Historic Marblehead District Commission. The Applicant provided written support for the application from owners of 3, 5, 23 and 29 Harris Court, as well as 12 and 13 Harris Street. David Cox of 23 Harris Street appeared at the hearing and spoke in favor of the application. The application was unanimously approved, with conditions, including a condition requiring the removal of a shed which is within a setback area. Mr. Drachman is to write the decision.

**7:45 PM 20 PRESTON BEACH ROAD
SUSAN WALTON**

**Parcel ID 6-29
File Date: 1/25/2012**

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 an addition 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 lot area, frontage, side yard setback and parking. The application was presented by Architect Robert Zarelli of Marblehead as well as Mr. and Mrs. Walton. The applicant presented architectural plans dated January 10, 2012 prepared by Mr. Zarelli, as well as plot plans dated December 27, 2011 showing existing and proposed conditions prepared by Gail L. Smith, PLS. Written support for the application was received from several neighbors. Nobody else appeared in favor of or opposed to the application. The application was unanimously approved, with conditions. Mr. Krasker is to write the decision.

**7:45 PM 37 NANEPASHEMET STREET
JON FREY**

**Parcel ID 909-7
File Date: 1/26/2012**

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 the existing dwelling and the construction of a new single family dwelling at in an Expanded 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, front yard setback and side yard setback. The application was presented by Attorney Paul Lynch of Marblehead, accompanied by Jon Frey and Molly Frey. The applicant provided architectural plans dated January 23, 2012 drawn by Molly Frey, a plot plan dated January 20, 2012 prepared by Scott R. Jalbert, PLS, an assessors plan showing the neighborhood, as well as a narrative summary of the application. Nobody else appeared regarding this application. The application was unanimously approved, with conditions. Mr. Lipkind is to write the decision.

**8:00 PM 137 HUMPHREY STREET
RICHARD HENLOTTER**

**Parcel ID 32-2
File Date: 1/26/2012**

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 shed in a Single Residence District. The new construction is within the front yard setback and side yard setback on a conforming property. The application was presented by Mr. Henlotter. The applicant presented hand-drawn architectural plans, as well as a plot plan dated January 16, 2012 prepared by Christopher R. Mello, PLS. Nobody else appeared regarding this application. The application was unanimously approved, subject to conditions requiring the applicant to build the project as shown on the plans and delay of permit. Mr. Moriarty is to write the decision.

**8:00 PM 108 JERSEY STREET
BRIAN HURLEY**

**Parcel ID 124-35
File Date: 1/31/2012**

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 the existing dwelling and the construction of a new single family dwelling in a Single Residence District. The new construction will have less than the required front yard setback and side yard setback on a pre-existing non-conforming property that has less than the required lot area, front yard setback and side yard setback. The application was presented by Architect Heather Deschenes of Marblehead along with Brian Hurley and Gary Bergeron. The Applicant presented architectural plans dated January 30, 2012 prepared by Ms. Deschenes, an existing conditions plan and a proposed construction plan prepared by Eric O. Williams, PLS of Marblehead, as well as a narrative summary with photographs. The applicant presented a letter dated Marcy 13, 2012 from the Marblehead Water and Sewer Department approving the project as it relates to a catch basin and storm drain on the property. Several neighbors expressed support for the application in writing, including neighbors at 223, 224, 227, 227R, 228, 230 and 242 West Shore Drive, 103, 104, 106, 112, 113 and 118 Jersey Street and 1 Rockland Road. Dana Snow of 106 Jersey Street, Sally Shevory of 91 Jersey Street, Bart Snow of 242 West Shore Drive, John Dana of 104 Jersey Street, and Brennan Sheehan of 101 Jersey Street appeared at the hearing and spoke in favor of the application. Nobody spoke in opposition to the application. The application was unanimously approved, with conditions. Mr. Tubridy is to write the decision.

**8:15 PM 16 KNIGHT AVENUE
JAMES PIZZIFERRI
& JOANNE CLIFFORD**

**Parcel ID 122-16
File Date: 1/31/2012**

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 an addition in a Shoreline Single Residence District. The new construction is within the side yard setback and exceeds the 10% expansion limits for a non-conforming building on a pre-existing non-conforming property that has less than the required lot area, frontage, front yard setback and side yard setback. The application was presented by builder Leland Hussey, accompanied by Mr. Pizziferri and Ms. Clifford. Jack and Marie Henderson of 15 Knight Avenue, Charles Nordstrom of 13 Knight Avenue and David Brown of 20 Knight Avenue all expressed support for the application. Nobody spoke in opposition to the application. The application was unanimously approved, with conditions. Mr. Moriarty is to write the decision.

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

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

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 an existing dwelling and the construction of a new dwelling at in a Single Residence District. The application was presented by Attorney Bob McCann of Danvers, accompanied by Mr. Attridge. At the start of the hearing, Mr. McCann advised the Board and those assembled that he refers business to the law firm in which Mr.

Lipkind is a partner. The new construction is proposed on a pre-existing non-conforming property that has less than the required lot width. Mr. McCann provided architectural plans for the proposed construction dated February 3, 2012 prepared by Main Street Architects of Danvers, hand drawn architectural plans showing the existing structure, a plot plan dated December 28, 2011 prepared by Gail L. Smith, PLS, and plans depicting the history of the lot at issue. He explained the concern regarding lot width. Mr. Attridge stated that the lot is owned by Barbara Tobey. The owner of 55 Beach Ave. spoke in favor of the application. The application was unanimously approved, with conditions.

The meeting was then adjourned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Alan E. Lipkind', with a long horizontal flourish extending to the right.

Alan E. Lipkind,
Secretary