



Town of Marblehead Zoning Board of Appeals

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Minutes of Meeting of APRIL 24, 2012

Meeting begins at 7:30 PM

Legal Ads Run: 4/5/12 & 4/12/12

The regularly scheduled and noticed meeting of the Board of Appeals was called to order by Acting Chairman Moriarty at or after 7:30 p.m. on Tuesday April 24, 2012 at Abbott Hall, Marblehead, Massachusetts. Present were Board members David Tubridy, Bob Schaeffner, Paige K. Hintlian and Leon Drachman. Ms. Hintlian was Acting Secretary.

HEARINGS:

**7:30 PM 32 COMMERCIAL STREET
NICHOLAS ECONOMOU**

**Parcel ID 114-17
File Date: 2/22/2012**

The applicant appeared before the Board on a request to vary the application of the present Zoning By-law by allowing a Special Permit for the construction of an addition and deck at **32 Commercial Street, Map 114 Parcel 17**, in a General Residence District. The new construction is within the 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. Applicant summarized the project as a one story porch replacement with two story addition. Submitted a photo into evidence of the existing structure. Also add deck to the back of the house. Applicant spoke with the neighbors. Appearing in support were neighbors McLaughlin, Goolsby, Keating, Brown, Farrell, Dan Lynch and David O'Shea. No one appeared in opposition. Approved by vote 5-0 with usual conditions, Tubridy to write.

**7:30 PM 11 CALUMET LANE
KATHRYN MCCREEDY**

**Parcel ID 101-6
File Date: 2/22/2012**

The applicant and her architect Derek Bloom appeared before the Board on a request to vary the application of the present Zoning By-law by allowing a Special Permit for the construction of additions at **11 Calumet Lane, Map 101 Parcel 6**, 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 frontage and side yard setback. Mr. Bloom summarized the project as an odd shaped, nonconforming lot. The second story addition will be a continuation up , bay window off kitchen, patio, drop stairs to the attic and three shed dormers. Lot backs up to conservancy land. Mr. Schaeffner expressed concern about height of the structure and massing in the neighborhood. Feels it looks to high for the neighborhood. Mr. Drachman said the structure was too big for the street because of the dormers. Suggested the roof line should be pulled down to be in scale with neighborhood. No one appeared in support or opposition. Hearing continued to May 22, 2012 at 8:30.

7:45 PM 54 OVERLOOK ROAD
Gael Saulnier

Parcel ID 139-35
File Date: 2/22/2012

The applicant and her architect Derek Bloom appeared before the Board on a request to vary the application of the present Zoning By-law by allowing a Special Permit for the construction of an addition at **54 Overlook Road, Map 139 Parcel 35**, 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, rear yard setback and side yard setback. Architect Veronica Hobson and the applicant appeared. Ms. Hobson summarized the project as a 2 story addition with relief sought for the existing tandem parking. The permit seeks to add space for a mudroom and laundry room to the left side of the existing dwelling. A single stone landing to be placed outside the mudroom door. The tree in front yard will stay. Letter of support from neighbors – Parker, Buswell, Pierce and Tyler. Parker also appeared. No one in opposition. Vote 5-0 in favor with usual conditions and relief for parking. Schaeffner to write.

7:45 PM 25 WILLOW ROAD
Adam Fall

Parcel ID 103-14
File Date: 2/22/2012

The applicant and his architect Paul Fermano appeared before the Board on a request to vary the application of the present Zoning By-law by allowing a Special Permit for the construction of an addition at **25 Willow Road, Map 103 Parcel 14**, in a Single Residence District. The new construction exceeds the 10% expansion limits on a pre-existing non-conforming property that has less than the required lot area, front yard setback, rear yard setback and side yard setback. The architect summarized the project as an addition to the right side of the property to build new stairs. The stairs will eliminate two existing nonconforming staircases. It will also connect to the yard and access to the parking. The stairs are a U shape winders

with an a/c unit of the first floor as shown on plan A2. No one appeared in support or opposition. Approved with usual conditions. Hintlian to write.

8:00 PM 58 ORCHARD STREET
STEVEN SELBY

Parcel ID 92-10
File Date: 2/23/2012

The applicant appeared before the Board on a request to vary the application of the present Zoning By-law by allowing a Special Permit to allow an existing play structure to remain at **58 Orchard Street, Map 92 Parcel 10**, in a Single Residence District. The play structure is within the rear yard setback and side yard setback. Hintlian removed herself from the hearing and Krasker sat. The applicant summarized the project as allowing a swing set to stay in the current position on the 10,000 sq ft lot with a conforming structure. Swing set is five feet from one side of the fence and 6 feet from the other side of the fence. A neighbor complained to the building commissioner about swing set and he sent it to ZBA. Mr. Krasker questioned the definition of “building” in the Zoning bylaws applying to a swing set. Can say it is not a building and not an accessory structure, really an accessory use. Closest thing to this is a shed and require 4 feet on a shed. Question if commissioner determined this is a ‘covered building’ because the swing set has an enclosed playhouse under the slide platform area. Two votes: 1) find the inspector determined this is a covered building – 5-0 vote yes; 2) allow structure to remain in current place 5-0 yes. Moriarty to write.

8:00 PM 24 LEICESTER ROAD
ERIC JAY DOLIN

Parcel ID 24-47
File Date: 2/24/2012

The applicant appeared before the Board on a request to vary the application of the present Zoning By-law by allowing a Special Permit for the construction of a shed at **24 Leicester Road, Map 24 Parcel 47**, in a Single Residence District. The new construction is within the rear yard setback and side yard setback on a pre-existing non-conforming property that has less than the required lot area, frontage and side yard setback. The shed is a 10x12 to be placed 6 feet of the rear setback and 4 feet off the right yard set back. It is under 10 feet tall. Represented a flower tree to stay in the yard. No one appeared in opposition or support. Approved 5-0 with usual conditions, Tubridy to write.

8:15 PM 44 SEAVIEW AVENUE
BULENT & BEHICE SERT

Parcel ID 5-19
File Date: 3/5/2012

The applicants appeared before the Board on a request to vary the application of the present Zoning By-law by allowing a Special Permit for the construction of an addition and deck at **44 Seaview Avenue, Map 5 Parcel 19**, 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, lot width, frontage, rear yard setback and side yard setback. The applicants summarized the project as an 18x20 addition in place of an existing three season porch. The addition and deck would continue off the current left side of the house to the rear of the property. Photos were entered into evidence. Neighbor Furey, 46 Seaview Ave questioned planting trees. No one appeared otherwise in opposition or support. Approved 5-0 with usual conditions, Drachman to write.

8:15 PM 43 MARION AVENUE

Parcel ID 11-43

DAVID & ALICIA BOLOGNESE

File Date: 3/5/2012

The applicant and his architect Derek Bloom appeared before the Board on a request to vary the application of the present Zoning By-law by allowing a Variance and/or Special Permit for the construction of a new garage and additions to the existing house (including an in-law apartment) at **43 Marion Road, Map 11 Parcel 43**, in a Single Residence District. The new construction is within the front yard setback, rear yard setback and side yard setback and further reduces open area on a pre-existing non-conforming property that has less than the required lot area, lot width, frontage, front yard setback, rear yard setback, side yard setback and has less than required open area. The project was summarized as increasing the open area, pulling back the garage and lowering the ceiling height. Building commissioner says the structure as proposed remains a 1 family. Board debate regarding the non-permitted use without interruption. Determined it was not applicable. Feel it looks too much like a two family. If open the stairs then maybe more like one unit. Maybe conditions could be added to restrict the use on renting. Continued to June 12, 7:30. Moriarty to write.

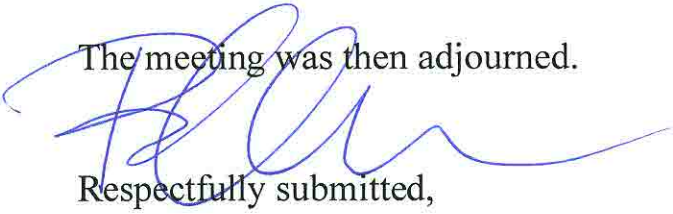
8:30 PM 15 BALLAST LANE

Parcel ID 915-30

ELIZABETH FIELDS

File Date: 3/26/2012

The applicant's daughter and her architect tom Saltsman appeared before the Board on a request to vary the application of the present Zoning By-law by allowing a Special Permit for the demolition of the existing garage and the construction of a new garage at **15 Ballast Lane, Map 915 Parcel 30**, in an Expanded Single Residence District. The new construction is within the rear yard setback, side yard setback and further reduces open area on a pre-existing non-conforming property that has less than the required lot area, frontage, rear yard setback, side yard setback, lot width and open area. The old garage is falling down and applicant wants a new wood one. It will be two feet higher with one garage door and have virtually the same ratio. A letter of support came from Ehrhart at 11 Ballast. No one in opposition . Approved 5-0 with usual conditions. Schaeffner to write.



The meeting was then adjourned.

Respectfully submitted,

Paige K. Hintlian, Acting Secretary