

## **BOARD OF APPEALS**

### **TOWN OF MARBLEHEAD**

Minutes of Meeting of June 12, 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 Auditorium at Abbot Hall, Marblehead, Massachusetts. Present were Board members Moriarty, Tubridy, Hintlian, Schaeffner, and Lipkind.

As the first order of business, William Moriarty was nominated to serve another term as Chairman of the Board of Appeals. The Board voted unanimously in favor of Mr. Moriarty serving another term as Chairman. Alan Lipkind was nominated to serve another term as Secretary of the Board of Appeals. The Board voted unanimously in favor of Mr. Lipkind serving another term as Secretary.

#### **HEARINGS:**

**7:30 PM      43 MARION AVENUE      Parcel ID 11-43**  
**DAVID & ALICIA BOLOGNESE      File Date: 3/5/2012**

**Continued from April 24, 2012, with evidence taken: Tubridy, Drachman, Moriarty, Schaeffner, Hintlian**

The Board, consisting of members Tubridy, Moriarty, Schaeffner, and Hintlian, resumed hearing an application to vary the application of the present Zoning By-law by allowing a Variance and/or a Special Permit for the construction of a new garage and additions to the existing house (including an in-law apartment) in a Single Residence District. Mr. Lipkind did not participate in this hearing. 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 open area. Architect Derek Bloom of Marblehead presented the application, accompanied by David Bolognese and John Dorsey, his father in law. Prior to taking additional evidence, Chairman Moriarty explained the impact of proceeding with four members, and the applicant decided to proceed. Mr. Bloom provided revised plans to the Board, and explained changes from the initial plans filed with the Board. The Board felt that its concerns had been met, including a concern of avoiding an in law apartment/second unit. The Board unanimously approved the application 4-0, with conditions. The use will be a single family use. The decision will be written by Mr. Moriarty.

**7:30 PM      3 MOHAWK ROAD      Parcel ID 86-22**  
**DANIEL & SUSANNE PRATT      File Date: 5/4/2012**

The Board held a hearing on a request to vary the application of the present Zoning By-law by allowing a Special Permit to construct an addition and deck in a Single Residence District. Mr. Casey replaced Ms. Hintlian for this hearing. The addition is within the side yard setback and exceeds the 10% expansion limit on a pre-existing non-conforming property that has less than required frontage, lot width, and side yard setback. The application was presented by Architect



D. Bruce Greenwald of Marblehead, accompanied by Daniel and Susanne Pratt. The applicant presented to the Board architectural plans dated April 4, 2012, revised May 2, 2012, prepared by Mr. Greenwald, as well as a plot plan dated May 2, 2012 prepared by Gail L. Smith, PLS of North Shore Survey Corporation in Salem. The applicant seeks to rebuild portions of an existing rear wing of the house, and an addition to the same for a new garage with living quarters above. The applicant provided letters in support of the application from Daniel Waslow of 1 Mohawk Road, and Elizabeth and Edmund Dawes of 2 Mohawk Road. Nobody else appeared at the hearing. Mr. Schaeffner expressed a concern regarding the ability to get a car into the garage given the limitations of the site. 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: 5/15/2012**

The Board, consisting of members Moriarty, Lipkind, Tubridy, Schaeffner and Casey, held a hearing on a request to vary the application of the present Zoning By-law by allowing a Special Permit to demolish an existing garage and construct a new garage at in a Single Residence District. The application was presented by Attorney Robert McCann of Danvers, accompanied by Architect Peter Pitman of Salem. Prior to the hearing Mr. Lipkind advised the assembly that in the past Attorney McCann had referred work to the law firm that Mr. Lipkind is a partner in, but that Mr. Lipkind felt that his ability to be serve would not be impacted. Nobody expressed a question or objection and the hearing commenced. The new construction is within the side yard setback and exceeds the 10% expansion limit for a non-conforming building that has less than required side yard setback. The applicant presented architectural plans dated April 30, 2012, prepared by Pitman and Wardley of Salem, as well as a Plot Plan dated April 18, 2012 prepared by Gail L. Smith, PLS. The applicants propose to demolish the existing garage and to construct a new garage in its place, comprising new construction. The applicant intends to use the garage for boat storage as well as car storage. Letters in support of the application were received from neighbors at 19, 26, 28, 29, 30, 31 and 38 Brookhouse Drive, as well as 102, 108 and 112 Tedesco Street. Aaron Scheier of 21 Brookhouse Drive appeared at the hearing and spoke in support of the application. The application was unanimously approved, with conditions. Mr. Casey is to write the decision.

**7:45 PM      10/12 ANDERSON STREET  
10 ANDERSON STREET, LLC**

**Parcel ID 117-72  
File Date: 5/16/2012**

The Board, consisting of members Moriarty, Lipkind, Tubridy, Schaeffner and Casey, held a hearing on a request to vary the application of the present Zoning By-law by allowing a Special Permit for the owner to subdivide the land and then construct a new one unit residential dwelling on land in a Business 1 District. The application was presented by Attorney Thomas Egan, accompanied by Richard Rockett of 10 Anderson Street LLC. The proposed dwelling at 12 Anderson Street would exceed the open area requirements and will have less than the required lot area. The existing dwelling at 10 Anderson Street will have less than the required lot area, exceeds the maximum height allowed and will have less than the required open area and less than the required parking. The applicant presented architectural plans dated September 2009 prepared by R. Rumpf & Associates of Salem, as well as a plan dated May 11, 2012, prepared by



Gail L. Smith, PLS. Attorney Egan advised the Board that the application was identical to one previously approved by the Board, but that the prior special permit had lapsed before work had commenced. Attorney Egan provided that prior decision to the Board. The applicant plans to demolish a structure on the site and construct a single family house. Parking will be provided for both houses. Three neighbors appeared to express concern about delay that has occurred at this site, and concern that such delay would continue. Tanya Hawley of 22 Anderson Street, and Toby Conley and Sean Conley of 14 Anderson Street, expressed that concern and noted the dangerous conditions at the site. The application was unanimously approved, with conditions, including conditions pertaining to time limits on tearing down an existing structure within thirty days, and commencing construction within forty-five days. Mr. Schaeffner is to write the decision.

**8:00 PM      62 MAVERICK STREET  
PAUL WEBER**

**Parcel ID 99-3  
File Date: 5/16/2012**

The Board, consisting of members Moriarty, Lipkind, Tubridy, Schaeffner and Casey, held a hearing on a request to vary the application of the present Zoning By-law by allowing a Special Permit to construct a deck extension and a roof canopy over existing entry door at in a Single Residence District. The new construction is within the front yard setback and side yard setback on pre-existing non-conforming property that has less than required lot area, lot width, frontage, front yard setback and side yard setback. The application was presented by Architect John Albright, accompanied by Paul Weber and Alexa Abowitz. The applicant presented architectural plans prepared by Mr. Albright, as well as a plot plan dated May 14, 2012 prepared by Peter J. Kane, PLS. Written support for the application was received from neighbors at 59, 60, 61, 63 and 64 Maverick Street. Nobody else appeared regarding this application. The application was unanimously approved, with conditions.

**8:00 PM      234 WASHINGTON STREET  
THEODORE O. JOHNSON**

**Parcel ID 129-9  
File Date: 5/17/2012**

The Board, consisting of members Moriarty, Lipkind, Tubridy, Schaeffner and Casey, 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 at in a Business 1 District. The new construction is within the side yard setback and exceeds the 10% expansion limits on a pre-existing non-conforming property that has less than the required lot area, lot width, frontage, side yard setback, open area and parking. The application was presented by Attorney Paul Lynch of Marblehead, accompanied by Mr. Johnson. The applicant presented architectural plans dated April 30, 2012, prepared by Aesthetic Images, Architects/Planners of Boston, as well as a plot plan dated May 7, 2012 prepared by Peter J. Kane, PLS. Mr. Lynch stated that the existing use is a two family dwelling and that it has been so used since before the enactment of a zoning by law. The construction will be new construction, creating a basement only for storage and not as living space. A concern was raised regarding whether the two family use had been discontinued. Mr. Lynch provided a property record card. Maura Lockwood, president of the abutting Condominium at 230 Washington street spoke at the hearing. She expressed concern that there be no entry onto the land of the Condominium. She also expressed a concern regarding the water table. Frank Orne of 6 Atlantic Avenue stated that he owns the nearby building housing

Mayflower Cleaners. He also expressed concern about the water table. Steve Elliot of 10 Turner Road expressed the same concern, as well as a concern regarding whether the 2 family use has been discontinued. Katie Tato of 230 Washington Street questioned whether the 2 family use had been abandoned. The matter was continued to June 26, 2012 at 8:15 p.m. with evidence taken. Mr. Moriarty is to write the decision.

**ADMIN      117-129 PLEASANT STREET      Parcel ID 116-25,26,27,**  
**WARWICK PLACE REALTY TRUST      28, 28A & 29**

The Board, consisting of members Moriarty, Lipkind, Tubridy, Schaeffner and Hintlian, considered the applicant's request for multiple door and window changes on an administrative basis. Attorney Paul Lynch of Marblehead presented the request. The request was denied.

The meeting was then adjourned.

Respectfully submitted,

  
Alan E. Lipkind,  
Secretary

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