

## **BOARD OF APPEALS**

### **TOWN OF MARBLEHEAD**

Minutes of Meeting of June 26, 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 Tubridy, Drachman, Moriarty, Schaeffner, and Lipkind.

#### **HEARINGS:**

**7:30 PM      1 PINECLIFF DRIVE  
KATHERINE AIKMAN**

**Parcel ID 78-1  
File Date: 5/22/2012**

The Board held a hearing on a request to vary the application of the present Zoning By-law by allowing a Special Permit to allow the construction of additions in a Single Residence District. The new construction is within the side yard setback on pre-existing non-conforming property that has less than required front yard setback, side yard setback and lot width. The application was presented by Architect Veronica Hobson of Marblehead, accompanied by Dennis Aikman. The applicant presented architectural plans dated May 15, 2012 prepared by Taproot Design Inc. of Marblehead, a plot plan dated March 28, 2012 prepared by Gail L. Smith, PLS, as well as two prior decisions of the Board pertaining to the property. The applicant seeks to construct a single-story addition to the right rear of an existing single family structure. A letter in support of the application was received from the abutter at 34 Shorewood Road, William F. Quinn. Nobody else appeared regarding this application. The application was unanimously approved, with conditions. Mr. Tubridy is to write the decision.

**7:30 PM      14 WALNUT STREET  
ANDREW STONE**

**Parcel ID 113-37  
File Date: 5/30/2012**

The Board held a hearing on a request to vary the application of the present Zoning By-law by allowing a Special Permit to allow the removal of a deck and stairs and construct a new deck in a General Residence District and the Shoreline General Residence District. The new construction is within the side yard setback on pre-existing non-conforming property that has less than required lot area, front yard setback, and side yard setback. The application was presented by Andrew Stone and Susan Anselmo. The applicant presented architectural plans dated February 12, 2012 prepared by KV Design and Building, as well as an instrument survey dated May 21, 2012 prepared by Ralph W. Reid, PLS. The Lovejoys, owners of an abutting parcel at 11 Cliff Street, appeared and expressed concern about the strength of a retaining wall on the property, but also expressed support for the project. Nobody else appeared regarding this application. The application was unanimously approved, with conditions. Mr. Drachman is to write the decision.

**7:45 PM      77 BUBIER ROAD  
GREGORY MAHAN**

**Parcel ID 94-27  
File Date: 5/22/2012**

The Board held a hearing on a request to vary the application of the present Zoning By-law by allowing a Special Permit to allow the demolition of the existing dwelling and the construction of a new single family dwelling in a Shoreline Single Residence District and Single Residence District. Mr. Krasker replaced Mr. Tubridy for this hearing. The application was presented by Architect Veronica Hobson of Marblehead. The applicant presented architectural plans dated May 15, 2012 prepared by Taproot Designs of Marblehead, as well as a plot plan dated April 18, 2012 prepared by Gail L. Smith, PLS, an annotated assessors plan, a GIS map, and a Planning Board Site Plan Special Permit Approval Decision. The new construction is within the front yard setback, side yard setback, exceeds the maximum height allowed and exceeds the 10% expansion limit on a pre-existing non-conforming property that has less than required frontage, front yard setback and side yard setback. Bob Clark of 76 Bubier Road, Fred Boulter of 87 Bubier Road, and Louise Seay of 30 Bubier Road all spoke in favor of the application. Nobody spoke in opposition to the application. The application was unanimously approved, with conditions. Mr. Schaeffner is to write the decision.

**7:45 PM      13-15 MAVERICK STREET  
(Cont.)      ALISON BADGER**

**Parcel ID 97-4  
File Date: 11/1/2011**

**Continued from December 6, 2011 with evidence taken: Tubridy, Krasker, Moriarty, Schaeffner & Lipkind. Continued from February 28, 2012 with no evidence taken. Continued from May 22, 2012 with no evidence taken.**

The Board was prepared to continue hearing a request to vary the application of the present Zoning By-law by allowing a Special Permit or Variance for the construction of an exterior shaft elevator in a Single Residence District. The new construction will add no additional non-conformities on a pre-existing non-conforming property that has less than the required lot area, frontage, front yard setback and has less than required parking. The applicant's request to withdraw the application without prejudice was unanimously approved.

**8:00 PM      7 BRISTOL ROAD  
(Cont.)      ELENA NOVAK**

**Parcel ID 29-11  
File Date: 2/9/2012**

**Continued from March 27, 2012 with evidence taken: Tubridy, Drachman, Moriarty, Schaeffner & Lipkind. Continued from May 22, 2012 with no evidence taken.**

The Board, consisting of members Tubridy, Drachman, Moriarty, Schaeffner and Lipkind continued hearing 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 and to allow an existing shed to remain in a Single Residence 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, frontage, lot width and side yard setback. Mr. and Mrs. Novak presented architectural plans prepared by YM Design dated May 20, 2012. The Board also received a letter from Ellen Levine McSwiggin, the sister of an abutter. Richard and Jayne Leahy of 5 Garden Road spoke in opposition to the application. The Board voted unanimously to deny the



relief requested pertaining to the continued existence of the shed. The Board voted unanimously to approve the proposed construction, with conditions. Mr. Moriarty is to write the decision.

**8:00 PM      9 BLUEBERRY ROAD  
BLUEBERRY ROAD LLC**

**Parcel ID 173-29&30  
File Date: 5/31/12**

The Board commenced a hearing on a request to vary the application of the present Zoning By-law by allowing a Special Permit to subdivide two lots which have merged as a result of common ownership in a Single Residence District. Both lots will contain the original areas; Lot 1 will contain the existing single family dwelling and will have less than the required lot area, frontage, lot width, front yard setback and side yard setback. Lot 2 is undeveloped and will have less than the required lot frontage and lot width. Attorney Paul Lynch of Marblehead presented the application. The applicant's request to withdraw the application without prejudice was unanimously approved.

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

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

**Continued from June 12, 2012 with evidence taken: Tubridy, Moriarty, Schaeffner, Casey & Lipkind.**

The Board, consisting of members Tubridy, Moriarty, Schaeffner, Casey & Lipkind continued hearing a request to vary the application of the present Zoning By-law by allowing a Special Permit to construct an addition 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. Attorney Paul Lynch of Marblehead presented the application, accompanied by family members of Robert Connors, a prior owner who passed away in July of 2010. Wayne Gregg, an abutter appeared and spoke in favor of the application. The application was unanimously approved, with conditions. Mr. Moriarty is to write the decision.

The meeting was then adjourned.

Respectfully submitted,

  
Alan E. Lipkind,  
Secretary