



Town of Marblehead Zoning Board of Appeals

Mary Alley Municipal Building
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MINUTES OF MEETING AUGUST 28, 2012

Meeting begins at 7:30 PM

Legal Ads Run: 8/9/2012 & 8/16/2012

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 July 24, 2012 at Abbott Hall, Marblehead, Massachusetts. Present were Board members Alan Lipkind (acting chair), Bruce Krasker, Paige K. Hintlian, Leon Drachman, and David Tubridy. Ms. Hintlian was Acting Secretary.

Orders of business: Plot plan for 45 Smith Street for Matthew Nicholas, date stamped the new plot plan.

HEARINGS:

**7:30 PM 18 CYPRESS STREET
JULIE LIVINGSTON**

**Parcel ID 40-22
File Date: 7/12/12**

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 new addition to remain at **18 Cypress Street, Map 40 Parcel 22**, in a Single Residence District. The new construction is within the rear yard setback on a pre-existing non-conforming property that has less than required lot area, front yard setback and side yard setback. Robert Zarelli Architect for applicant appeared. This was a single story addition to the existing kitchen. A construction error occurred during the building. They worked from a site plan from Phillip Leary, checked by Gail Smith and discovered a metric error. The offending piece is to the back of the school being demolished (Glover). Because of the error, have to come and ask for relief. Building built according to the permit, but the difference between the two plans made it a nonconforming structure. Bob Ives requested they come before the board after the second survey. Went off 1932 site plan from registry, but current one was different; maybe because of the difference in the instrument and site spot. It was a very small project and just scaled it off an old plot plan from the registry. Copy of 1932 plan by Jane Reynolds entered into evidence. Total of .77 square

feet into the setback. No one to speak in favor or opposed. Vote to approve with the usual conditions – 5-0 approved. Tubridy to write.

7:30 PM 24 GLENDALE ROAD

Parcel ID 31-64

JACK & SARA SCHECTER

File Date: 7/17/12

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 construct additions at **24 Glendale Road, Map 31 Parcel 64**, 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 required lot area, lot width, frontage, front yard setback, rear yard setback, and side yard setback. Applicants, attorney, and Builder Busa appeared before the Board. Permission from owners to ask for relief. Owners are Margoshes and they are set to close soon. Need relief because they are 11.6% and closer than 15 ft to side line. Seek to add first floor mudroom, covered porch and attic dormer. Kitchen being modified and bathrooms – all internal work. Entered letter from owner into evidence. Originally looked into doing a dormer and more cost effective to do a whole roof. No one in favor or support appeared. Letter of support from 23, 34, 30, 32, 27, 33, and 22 Glendale Road. Ask for clarification that they can do work which they don't need ZBA permission. Board agreed and will put language in the decisions accordingly. Voted 5-0 to approve with usual conditions. Krasker to write.

7:45 PM 12 COOLIDGE ROAD

Parcel ID 47-35

DANIEL RICCIO

File Date: 7/19/12

To vary the application of the present Zoning By-law by allowing a Special Permit to demolish the existing dwelling and construct a new dwelling and accessory building at **12 Coolidge Road, Map 47 Parcel 35**, in a Shoreline Single Residence District. The new construction is within the side yard setback on a pre-existing non-conforming property that has less than required lot width, frontage, and side yard setback.

Continued without evidence taken to Sept 25 at 8:15, continuance signed.

7:45 PM 1 WARE LANE

Parcel ID 23-21

RAYMOND KELSEY

File Date: 7/20/2012

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 new

fence to remain at **1 Ware Lane, Map 23 Parcel 21**, in a Single Residence District. The new fence is in the corner of a lot bounded by two streets in violation of the corner lot visibility requirement (Zoning By-law 200-16 F) on a pre-existing non-conforming property that has less than required lot area. Applicant appeared before the board. Replaced old fence in 1984 and been standing ever since. Ware Lane has a 20 ft stretch in front of property that stretches into Rose Ave. Fence does not impede traffic or vision of the road. Fence done exactly as before. Drachman has a question with the issue of visibility. Kelsey says is the widest street in town which allows you to see very well. No accidents there since the applicants have lived there. Tubridy also worried about the lack of evidence regarding site line. Ask if they can come back with something to show that the site lines are not impeded. Continue to Oct 23@ 7:30 with evidence taken. Drachman to write.

8:00 PM 151 GREEN STREET
MARY PATSIOS

Parcel ID 160-24
File Date: 7/20/2012

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 erect a temporary 4' X 6' sign for the purpose of advertising the sale of Christmas Trees, on an annual basis, for three weeks during the Christmas Holiday Season. The sign will be located at **151 Green Street, Map 160 Parcel 24**, in a Single Residence District. Erect sign for Christmas trees at Carrs nursery. Same as the previous years. Krasker to write. Approved 5-0.

8:00 PM 14 PRESTON BEACH ROAD
KATHLEEN MCSWEENEY

Parcel ID 6-32
File Date: 7/23/2012

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 construct an addition and a front porch at **14 Preston Beach Road, Map 6 Parcel 32**, in a Single 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 required lot area, lot width, frontage, front yard setback, and side yard setback. Don Nelson (husband) and architect Veronica Hobson appeared for application. Single story addition on left side of structure. Spoke with Allards and Goldmans and both expressed support. Spoke with Curtains over phone and expressed support. No one in support or opposition. Board thinks is reasonable addition. Lipkind to write.

8:15 PM 25 BIRCH STREET
KRISNA BASU

Parcel ID 52-42
File Date: 7/23/2012

The applicant appeared before the Board on a request to a Special Permit filed with the Town Clerk on August 30, 2011 for the construction of an addition at **25 Birch Street, Map 52 Parcel 42**, 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, lot width and side yard setback. Hintlian to write. Submitted application for extension. Asking for 6 months extension. Approaching the 1 year deadline of August 23, 2012 to start construction. Accepting bids now. Certified mail receipts to neighbors submitted into evidence. Approved extension 5-0 vote.

8:15 PM 10 COOLIDGE ROAD
DANIEL RICCIO

Parcel ID 47-36
File Date: 7/24/12

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 construct additions at **10 Coolidge Road, Map 47 Parcel 36**, in a Shoreline Single Residence District. The new construction is within the side yard setback and exceeds the maximum height allowed on a pre-existing non-conforming property that has less than required lot width, side yard setback and exceeds the maximum height allowed. Tubridy to write. Attorney Paul Lynch appeared for the applicant. Submitted photos of the before and after pictures for the board of the dormer and one going into the roof line on the water side. 232 sq ft total for the 2 additions. Debate about the skylight cap being put in. Lynch saying is an over hang and don't need relief for that. Differences between the pictures of the water side is wrong, asking for what is on the plans so go by those drawings only and not pictures. Modest change to the exterior. No one in support or opposition. Order of conditions from the conservation commission admitted into evidence. Approved with usual conditions 5-0.

ADMIN 11 GLOVER SQUARE
PATRICIA LAUSIER, TRUSTEE

Parcel 148-30
File Date: 8/13/2012

Multiple door and window changes

Paul Lynch and Walter Jacobs appearing before the board. Historic district so historic commission gave approval for changes already. Historic Commission hearing not public because not material changes. Doors and windows change on south elevation. North elevation changes are windows. West elevation doing windows and door instead of the sliding barn doors. Removed 130 sq ft of the structure off the south elevation. Work was already done in the heat of construction. Spoke with neighbors and have no objection. Construction is ongoing and would like not to change it. Historic Board approved this all the way. Broke down the changes. Debate among Board members as to whether this is a substantial and material change. Vote to approve all changes *other than* the enclosure of the porch on the east elevation – approved 5-0.

Approval of the minutes of April 24, 2012 and June 12, 2012. 5-0 approval of both.

The meeting was then adjourned.



Respectfully submitted,

Paige K. Hintlian, Acting Secretary