

BOARD OF APPEALS

TOWN OF MARBLEHEAD

Minutes of Meeting of December 4, 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 Tubridy, Drachman, Moriarty, Rudolph, and Lipkind.

HEARINGS:

7:30 PM	18 BARNARD STREET	Parcel ID 114-40
	LAWRENCE BATES WILLARD,	File Date: 11/8/12
	TRUSTEE	

The Board commenced a hearing on a request to vary the application of the present Zoning By-law by allowing a Special Permit to extend the B-1 Zoning District an additional 20 feet into the General Residence District pursuant to section 200-9C and allow a special permit to change the use to Boat Services for that portion of the building and lot which remains in the General Residence District and to allow a special permit to construct an addition to the existing non-conforming building at 18 Barnard Street, Map 114 Parcel 40, in a General Residence District and Business One District. The new construction is within the rear yard setback, side yard setback, further reduces open area, has less than required parking and exceeds the 10% expansion limit on a pre-existing non-conforming property that has less than required lot area, frontage, rear yard setback and side yard setback. Before the hearing commenced, Mr. Rudolph disclosed that he had worked for a business competitor of Mr. Willard. Nobody raised any concern about that prior relationship. The application was presented by Attorney Paul Lynch of Marblehead, accompanied by Mr. Willard. The applicant presented a plan dated October 5, 2012 prepared by Gail L. Smith, Professional Land Surveyor, as well as architectural plans dated August 27, 2012 prepared by HND Architects of Marblehead, Massachusetts. Mr. Lynch explained the application, which seeks to allow a mooring business to operate on the parcel, as well as an expansion of the structure on the lot. He said that a Special Permit for use in the portion of the lot in the General Residence District would obviate the need for an extension of the B-1 Zone. Mr. Lynch said that the only outside use of the lot will be storage of mooring materials. Bill Barlow of 41 Hawkes Street spoke in opposition to the application and presented a sketch of the zoning district changes over a plot plan. Mr. Barlow addressed the prior use of the property and use of an abutting parcel. Bruce Krasker of 17 Gregory Street, Helen Doherty of 7 Treat Road, and Mike Hodge of Barnard Street, all spoke in opposition to the application. Barbara Shefftz of 13 Central Street presented a plan to the Board purporting to reflect the zoning districts. She suggested that if the Board is going to grant any relief, it be a special permit specifying what use is allowed and what isn't. Alan Dennis of 24 Barnard Street said the prior owner of the lot used it as a boat yard, including stripping paint. He was in favor of the proposed application. The matter was continued to February 26, 2013, with evidence taken.

**7:30 PM 3 VALLEY STREET
GREGORY SPANOS**

**Parcel ID 908-15
File Date: 11/8/12**

Mr. Barlow took Mr. Rudolph's place for this and all remaining hearings this night. The Board was prepared to hear an application to allow the un-merger of lots 15 and 17 on assessors map 908 and allow the construction of a single family dwelling on lot 15 at 3 Valley Street, Map 908 Parcel 15, in an Expanded Single Residence District. The new lot will have less than the required area. As there did not appear to be surveys for both of the lots that would result from the un-merger, the matter was continued to February 26, 2013 at 7:30 p.m. with no evidence taken. Attorney Paul Lynch of Marblehead was present representing the applicant.

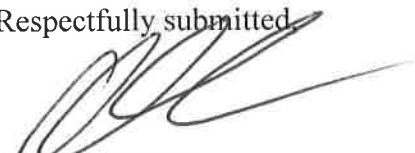
**7:45 PM 28 FOSTER STREET Parcel ID 908-7
JAMES & KATHERINE KELLOGG, File Date: 11/13/12
TRUSTEES**

Note: The ad for this hearing was in the Salem News

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 additions on the existing dwelling at **28 Foster Street, Map 908 Parcel 7**, in a Shoreline Expanded Single Residence District. Attorney Robert McCann of Danvers represented the applicant. Before the hearing commenced, Mr. Lipkind advised those assembled that in the past Mr. McCann had referred work to the law firm where Mr. Lipkind is a partner. Nobody voiced any objection or concern and the hearing proceeded. Architect Skip Kiley was present, as were James and Katherine Kellogg. The new construction exceeds the maximum height allowed and exceeds the 10% expansion limit on a pre-existing non-conforming property that has less than required side yard setback. The applicant presented architectural plans from Hermit Woods Designs of Lynnfield, Massachusetts, revised November 5, 2012, as well as a plan dated September 9, 2012 prepared by Gail L. Smith, Professional Land Surveyor. The applicants seek to renovate the existing dwelling to include the following: (1) an addition on an existing terrace, (2) the construction of a partial second floor, (3) the addition of a proposed deck, and (4) the addition of bay windows. Letters in support of the application from owners of 60 Harbor, 32 Foster, 34 Foster, 17 Foster and 25 Foster were presented. The applicant also provided a list of conditions that had been agreed upon with a neighbor, so as to protect that neighbor's view. The application was unanimously approved, with conditions. Mr. Drachman is to write the decision.

The meeting was then adjourned.

Respectfully submitted,



Alan E. Lipkind

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