

Marblehead Planning Board
Minutes of Meeting
May 6, 2013

Members present: Philip Helmes Chairman, Edward Nilsson, Kurt James and Jim Bishop.
Others present: Becky Curran Town Planner.

The meeting was called to order at 7:07 pm in the Performing Arts Center at the Veterans Middle School.

The planner explained that at the Planning Board's public hearing on the proposed citizen amendment to the zoning bylaw, the sponsor of the citizen article, appeared before the board to present the zoning article. At that meeting the board suggested that she look at industry standards for size and some dimensional regulations to include otherwise it was too open ended. The applicant has done that and town council has reviewed the amended change and deemed it impermissible because it strayed too far from the intent of the original wording making it more restrictive.

The petitioner Ms. Farida Peters-Abbadi of 4 Mohawk Road explained that she did research and came up with a height limitation of 13' but then when counsel ruled that she was not permitted to make this amendment she came up with an amendment that limited to one roof and counsel said that would be a permitted amendment. She explained that the one roof structures are generally in the 13' range and that it is the structures with multiple roofs that end up being higher.

Phil Helmes explained that he was not in favor of the article. He felt the process of going to the board of appeals was not to onerous. He does not think that there is a problem with the process where a person who wants to put a play structure in the required setback is required to seek permission from the board of appeals. Ed Nilsson concurred explaining that he felt dimensional regulations should be added. Jim Bishop felt it was a play structure and temporary in nature and with this amendment he felt that the size would be sufficiently limited to a reasonable size and that a six foot setback still exists. Kurt James concurred but said he had mixed thoughts about the amendment.

A motion was made and seconded to oppose the article as written and amended and recommends to town meeting that this article not be adopted. Voted 3-1 (Bishop opposed)
The board discussed that they would be willing to look at the issue of the cost of seeking a special permit for this type of structure in the coming year to attempt to devise a way to attempt to make the process for seeking a special permit for play structures less costly.
Motion to adjourn. All in favor

Respectfully submitted,

Rebecca Curran