MARBLEHEAD PLANNING BOARD
MEETING OF AUGUST 13, 2013

Members present:
Ed Nilsson
Kurt James
Paul Elser
Jim Bishop

Chairman Phil Helmes was not present; therefore Vice Chairman Ed Nilsson called the scheduled meeting to order at 7:30 PM with a quorum present.

Continued Public Hearing – 36 Foster Street

Paul Lynch attorney for the applicants David & Kristin Barrett invited David Barrett and architect Craig Bosworth to join him at the table as he reviewed the application for a Site Plan Special Permit in this Shoreline Single Residence district. Craig Bosworth with the firm of Grazado Velleco described the proposed building as being compatible in style with the existing residence. The proposed building is a free standing two story conventional structure of 1,326 sq.ft.gross area whose primary purposed was stated to be for the second floor open "exercise room" with a bathroom including a shower but no cooking facilities. The first floor will be a two car garage with an interior stairway to the second floor. This two car garage will supplement the existing house's attached two car garage. The location of the building would be at the extreme front (S.E.cornor) of the lot within the 25' side set back i.e. only 17" to the property line. This site was chosen because it would not necessitate relocation the existing paving-stone driveway, nor require the removal of health existing trees and would approximate the side set back encroachment of the existing residence. The applicant provided a memo signed by five abutters who did not object to the project. No one else spoke in favor.

Attorney George Atkins, representing the immediate effected abutters at 34 Foster Street along with his clients Ulf and Elizabeth Heide objected to the plans. Particularly that the proposed sitting was too close to their property line. They want to protect a magnificent beech tree on their own property. Elizabeth Heide provided a report from Paul D. Marsan a Certified Arborist with Carpenter Costin. To protect this 125 year old tree valued at $100,000 he recommended not disturbing the soil within the so called "drip line." This radius would be invaded by the expected trenching, excavating, construction and structures including appurtenances such as an AC compressor unit. Ensuing discussion noted that if the 25'side line set back were honored it would substantially alleviate the hazard to the beech tree.

Applicant David Barrett also provided a report from an Arborist which purported to justify the proposed sitting. After much discussion with the parties, it was the consensus of the Board that this applicants' report was less pertinent. Neither of the Arborist was at the meeting.

The Board queried the applicants as to whether other designs and particularly their sitting on this large lot had been considered and would they agree to continue the hearing so that they could provide an alternative site plan that would better meet the required standard of avoiding adverse effect on abutting lots. The applicant believed that the proposed plan to be ideal and did not want the inconvenience of what they considered would be their obligation to review any alternative plan with other neighbors. They insisted that if they had to move the proposed building location out of the side line set back that they would be inclined to put the relocated drive way into that set back area. The consensus of the Board was that such driveway relocation would not be approved because of the same concerns. Nevertheless, the applicants declined to request a continuation of the hearing.

The public portion of the meeting was unanimously closed and the Board discussed what steps could be taken to approve the application. Kurt James moved that a condition be imposed such that the proposed building be moved no less than 8' such that the 25' side line set back be honored and that no soil disturbance including digging, driving over, or storage of materials or soil, nor construction should occur within the southern set back area in the vicinity of the neighbor's trees. This motion was made and seconded to so approve the application as complying with the requirements for the issuance of a special permit including the current standard construction conditions. All in favor (4-0) Bishop, Elser, James and Nilsson.

Before 9 PM a motion was made and seconded to adjourn the meeting. All were in favor.

James Bishop
Clerk Pro-tempore