

**Marblehead Planning Board
Minutes of Meeting
December 13, 2013**

Members present: Edward Nilsson, Phil Helmes, Bob Schaeffner, Paul Elser and Kurt James.
Others present: Rebecca Curran Town Planner.

A quorum being present, the meeting was call to order at 7:30 PM.

Public Hearing – Site Plan Approval – 3 Gingerbread Hill – Backman

Member Kurt James disclosed that he is a neighbor of the property but has no financial interest and is not a direct abutter.

The Petitioner's representative Attorney Robert McCann presented the petition and the proposed construction explaining that the property, located in the shoreline single residence district, consists of a single lot of land having no frontage. In addition to the house there is an existing non-conforming detached garage and an existing non-conforming structure on the property. The lot has less than the required area (5,642 square feet). The existing single family dwelling has less than the required front, rear and side yard setbacks and no parking, there is a garage but the Zoning By-Law does not count that as parking. The Petitioner owns in common with other neighbors land between the property and Gingerbread Hill which provides access to the property and the garage, as well as access for utility services.

The application requests permission to demolish the current single-family dwelling and construct an new single-family dwelling in its place. The new single-family dwelling is being located in the approximate location of the existing structure. The owner and architect explained that he proposed to use the present location, with an enlarged footprint as shown on the plans, in order to preserve views for his abutters which would otherwise be blocked should they construct a new dwelling that conformed to the dimensional set back requirements of the By-Laws. He went on to explain that the new dwelling will have 2,798 square feet. This is consistent with the average size of dwellings in the immediate neighborhood. The current dwelling has 1,489 square feet, resulting in an overall increase in gross square footage of 1,309 square feet. The current Open Space Ratio is 2.79 : 1.00 and the resulting open space ratio, after construction, will be 1.37 : 1.00, in excess of the minimum open space ratio requirement in the By-Law. With the proposed location of the new dwelling, the proposed new non-conformities will be the front yard set back (as there is no front yard to measure from), rear yard setback, side yard setback and the maximum height. The height exceeds the thirty (30) foot height limitation as a result of the topography on the property and a low spot that is 7 feet below the upper grade.

Phil Helmes asked about the drainage and was answered that there is no change in drainage anticipated there is slightly more coverage. It is a slab on grade with the back half

crawl space. The mechanical will be on first floor. The board had concerns with construction parking. Paul Elser asked if there was a discrepancy the Stone landing 97.1'.

Mr. McCann stated that the proposed demolition and new construction has been approved by the Marblehead Old and Historic District Commission which held five (5) hearings on the application. Also the project went before the board of appeals and received approval with a vegetation height limitation condition. Mr. McCann provided to the board a copy of the decision.

After the Petitioner's presentation, the Board opened the hearing to the general public for comment. The petitioner handed out exhibit 1 copy of GIS map with checks indicating support letter from 5 abutters, Fredric and Joan Erich, William Maloney, Richard Nancy Farrell, Joan Colt Hooper, Claude and Marcie Lancôme. The Petitioner also indicated that he has spoken with the other abutters and was not aware of any opposition. No one spoke in opposition to the Application.

A motion was made and seconded, to close the public comment portion of the hearing. Members discussed adding the a condition on the construction vehicles will park on site as much as practical and there will be no parking of construction vehicles on Gingerbread Hill. The requested and agreed to landscape condition to read as follows: "The hemlocks along the west/southwest boundary will be removed and the vegetation in the corridor approximately thirty (30') feet in width starting at the southerly boundary, to the new dwelling, shall not exceed fifteen (15') feet above the existing grade. This limitation shall be shown on a landscape plan submitted to the Planning Board showing, in addition, the height limitation measured to Mean High Water. And referencing Old and Historic Certificate(s) of Appropriateness and Zoning Board of Appeals special permit decision

After discussion amongst the Board Members, A motion was made and seconded to approve the with the standard conditions and a added conditions as discussed. All in favor 5-0

Public hearing – Site Plan Approval - 8 Follet Street - Goodby

Paul Lynch Attorney and applicants' representative requested a continuance of the public hearing until the board's next meeting.

A motion as made and seconded that the public hearing be continued with no evidence taken until January 14, 2013. All in favor 5-0.

The town planner asked about withdrawing the application that was previously approved on this lot by the planning board in October 2013. Mr. Lynch stated for the record that he would be submitting a letter to formally withdraw the plant hat was approved at the board's October meeting.

Cont Public Hearing – Site Plan Approval - 10 Mooring Road - Pandapas

The town planner reminded the board that public hearing was opened at our last meeting and a site visit was scheduled to view the site with story poles erected. The applicant asked for the site visit to be cancelled since they were looking at revising the plans to address some of the issues that were raised at the meeting.

The owner's representative attorney Paul Lynch distributed revised plans that he feels addresses the concerns of the planning board and the neighbors at the last meeting. Mr. Lynch explained that the building was reduced by a net of 1090 s.f and pushed back on the lot. He also said that since the last meeting they received Conservation Commission approval. The following documents were then submitted and marked as follows.

Exhibit 1 - New plans and landscape plan

Exhibit 2 - letter in support dated 12/8/2013 from Alan and Charlotte Raymond.

Exhibit 3 - new open area worksheet

Exhibit 4 - information refuting data that was presented by abutters at the last meeting.

The architect Craig Bosworth explained the specific changes to the plans include losing basement space, dropped floor elevation is holding the elevation at 14 to comply with the flood elevation and stepping back the entire house back from Mooring Road.

The applicant Kim Panapadas 53 Evan Road added that the court yard does not change. Mr. Lynch added that the height issue was only on 30% of structure. Mr. Bosworth added that the house fits the character of the neighborhood and coastal New England. They mentioned again that there would be no blasting. The landscape plan is a Landscape preliminary plan that addresses headlight mitigation, preserves view corridors and a historical walkway and overlay of conservation commission drainage. It is same plan as before with rain gardens and grasses higher than headlights to address concerns. Mr. Lynch says the applicant has gone over it with Halstead's there is a fence on 7 Mooring side so they stated there will be no impact on what they plant behind the fence. The driveway would also be maintained as a turnaround, which has historically been used as and it is pea stone and therefore is permeable to enhance the drainage qualities.

John Halstaed 33 Bradlee Road thanked the applicant for rerouting and landscaping plan this the first time seeing it. It is hard to jump from what it is now and still can't visualize. He is interested in the proper sizing of the vegetation selected. Also there is an existing view easement on his property. He expressed concerned to the extent there is any landscaping in that area adjacent. He discussed driveway concerns about how large it is. There was discussion. The applicant explained that they provided a needed turn around access for Fluen Point. The board proposed a condition that requires the pea stone area revert back to grass if it's use as a turnaround for Fluen Point Association and others is ever discontinued.

Louisa Greene 7 Mooring Road stated this was the first chance she has had to see the revised plan and would like time to look at them in detail. She is still concerned with flood plain issues. She would also like to see story poles so that the impact of the structure can be visualized. She is concerned about the foundation wall condition in a storm event. Some discussion ensued and Phil Helmes agreed that there should be a condition that any area below the base flood elevation should be breakaway or some other method consistent for building in a flood zone.

Paul Elser and Ed Nilsson mentioned they would like to see story poles in areas that are key one towards the back. Discussion ensued. Bob Schaeffner and Phil Helmes felt the issues had been addresses and story poles are not needed and the board had what it needed to render a decision. Kurt James agreed. Phil Helmes felt that the new plans address a lot of the issues that had been raised

A discussion ensued on the landscape plan. The board divided the landscape plan into four sections, a, b,c and d and discussed and directed the applicant what should be included, specifically and conceptually, on a final plan in each area. The plantings in area need to be at a level of 5' in order to accomplish screening. Vegetation selection should look at mature heights rather than to rely on pruning to maintain maximum heights. Then discussion turned to the project and conditions.

- The town planner reminded the board that when building is located in a flood zone the board usually places a condition that an elevation certificate is provided to the town
- Mechanicals shall not be in the flood zone
- The foundation walls shall be construction to comply with building code issues pertaining to wall within a flood zone.
- The pea stone turnaround driveway reverts back to grass if no longer available to fluen point
- Construction parking shall be on site only. No construction vehicles may park on Mooring Road.
- A landscape plan with all of the discussed revision would be submitted. A final plan will be submitted prior to the occupancy of the house. The town planner will review make sure none are inconsistent with the plan of record.

A motion was made and seconded to approve the plan with the standard conditions plus the additional conditions as discussed. All in favor

9 Corn Point Administrative – Rockett

The town planner explained a single family house at 9 Corn Point Road was issued a site plan approval special permit - the planner explained that the applicant now wants to move the footprint of the house slightly. The board reviewed the plans and had no objection to this change the plan should be stamped and dated.

A motion was made and seconded to approve the minor revision. All in favor. 5-0
The board stamped and signed the plan.

Kurt James announced that it would be his last meeting. The board thanks Kurt for his service.

A motion was made and seconded to adjourn at 10:10 pm.

Respectfully submitted,

Rebecca Curran
Town Planner