

Town of Marblehead
Planning Board

June 21, 2011

Minutes of Meeting
Abbot Hall Selectmen's meeting room

Members present: Phil Helmes, Edward Nilsson, Karl Johnson, James Bishop, Kurt James
Others present: Becky Curran Town Planner

A quorum being present the meeting was called to order at 7:30 pm

Approval Not Required – 10 Cornpoint Road – Cushman Road

Attorney Robert McCann presented a plan and Form A application. A lot at 10 Cornpoint Road was being subdivided into two both having the required frontage.

The board endorsed the plan as it complied with the requirement of an approval not required plan. The plan was dated June 21, 2011. The applicant's representative took the Mylar to record at the registry of deeds a copy to be sent to the board when recorded.

Public Hearing – Site Plan Approval – 24 Foster Street - Kevin J. and Rebecca H. McKernan

The chairman read the public hearing notice.

Robert McCann Attorney representing the applicant explained that the project involved a request for the approval for the issuance of a site plan approval special permit for the demolition of a single family structure and detached garage and the construction of a new single family structure. The subject property is located at 24 Foster Street, as shown on Assessor Map 908 Parcel 5, and consists of approximately 42,700 sq. ft. of lot area and 160.30 feet of frontage on Foster Street. The property is located within a shoreline expanded single residence district. Presently the property consists of the following structures: a Single-family dwelling; detached garage; various retaining walls; a pier and dock. The Applicants propose to demolish the existing house and garage and build a new single family house and related improvements to the site.

The architect Tom Saltzman explained the proposal in more detail. The proposal includes the demolish the existing 1960's single-family dwelling and detached garage, retaining only a small portion for a kayak storage facility, and the construction of a new single-family dwelling on the property. The proposed construction will fully conform to the Dimensional Regulations of the By-Laws, with the possible exception of the maximum allowed height which will not be known until the building is removed and will require approval by the Zoning Board of Appeals. Attorney Robert McCann had proposed some language to address this in the event that they do find that it is necessary to get dimension relief from the board of appeals for height.

Edward Nilsson and Jim Bishop had questions about the condensers. Mr. Saltzman answered that the condensers will be located behind the garage portion of the new structure.

No letters were received and no comments by the general public were made at the public hearing. A motion was made and seconded to close the public hearing.

A motion was made and seconded to approve the Application as complying with the requirements for the issuance of a Special Permit subject to the usual conditions and a condition requiring conservation commission approval, wording to address that when construction has commenced, and depending on the subsurface conditions found during construction, the Applicant may desire to install a walk out basement access under the harbor side porch similar to the following wording "In doing so, the foundation could be extended into an area where the topography drops off, thereby increasing the height of the building to more than thirty (30) feet. As a result, this Site Plan Special Permit is issued on the express condition that if the foundation is modified in a way that so increases the height to more than thirty (30) feet, the Applicant must obtain a Special Permit from the Zoning Board of Appeals for such change. Upon obtaining a Special Permit from the Zoning Board of Appeals, the Applicant need not come back to the Planning Board for further review of this change" or some similar language, and that a final landscape plan be submitted prior to occupancy. All in favor 5-0.

Respectfully submitted,

Rebecca Curran

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