

May 10, 2022

Town of Marblehead Zoning Board of Appeals

7 Widger Road

Marblehead, MA 01945

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To whom it may concern:

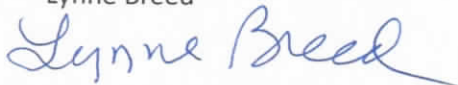
We are submitting this letter requesting an extension for the application for a special permit for 14 Crestwood Road which was granted at a public hearing on May 25th, 2021. A Decision was filed with the town clerk on June 14th, 2021. Copies of this decision are enclosed with this letter.

We were unable to complete the addition this past year due to Covid induced contractor delays and would request an extension of this decision so that we may proceed with this work as soon as possible.

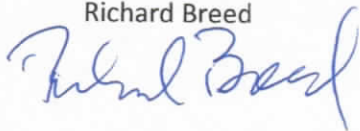
Thank you for your consideration.

Sincerely,

Lynne Breed



Richard Breed



TOWN OF MARBLEHEAD
ZONING BOARD OF APPEALS

Mary Alley Municipal Building
7 Widger Road
Marblehead, MA 01945
Telephone: 781-631-1529

June 14, 2021

NOTICE OF DECISION

The Board of Appeals, after notice and public hearing on **Tuesday, May 25, 2021** on the application of **Lynne and Richard Breed**, voted to **approve** the request for a Special Permit with conditions at **14 Crestwood Road**.

The written Decision was filed with the Town Clerk on **June 14, 2021**.

A copy of the decision is available for inspection at the Town Engineering Department, 7 Widger Road, Marblehead, MA, 01945.

This notice is being sent in compliance with Massachusetts General Laws Chapter 40A section 9 and does not require action by the recipient. Appeals, if any, shall be made pursuant to Chapter 40A, section 17, and shall be filed within 20 days from the date which the decision was filed with the Town Clerk.

**TOWN OF MARBLEHEAD
DECISION OF
THE BOARD OF APPEALS
on
Application of
LYNNE & RICHARD BREED
For a Special Permit
For 14 Crestwood Road
Marblehead, MA**

Report of Facts, Findings, and Decision of the Board of Appeals on the petition of:
Lynne & Richard Breed
(the "Petitioner")

Requesting a Special Permit under the Zoning By-Laws approving the addition within the required sideyard setback to the existing single-family dwelling on a conforming lot located at **14 Crestwood Road** in a **Single Residence District**.

All statutory requirements relating to publication and notice were duly complied with including timely publication in the Marblehead Reporter, a local newspaper. Notice to all persons deemed by the Board to be affected by the petition, as required by Section 17 of Chapter 40A of the General Laws of the Commonwealth and the provisions of the Marblehead Zoning By-Laws, was given.

The Public Hearing was called to order at or after 8:15 PM during a ZOOM CONFERENCE MEETING due to COVID 19 restrictions, on May 25, 2021. The Board Members present and sitting on the hearing were:

Chairman:	William Moriarty
Members:	William Barlow
	Alan Lipkind
	Leon Drachman
	Benjamin LeBrecque

The following documents were filed with the Petition and constitute a part of the permanent record of the Board:

The Plot Plan entitled "Zoning Board of Appeals Plan, 14 Crestwood Road, Marblehead, Property of Richard & Lynne Breed" dated March 25, 2021 prepared by North Shore Survey Corporation (the "Plan")

Architectural Plans and Renderings prepared by Walter Jacob, Architects dated 4/22/21 scale 1/4" = 1'-0" consisting of the following sheets:

- CS.1 Cover Sheet
- P.1 Existing Conditions Photograph
- X.1 Existing Basement Level
- A.1 Proposed Basement Level
- X.2 Existing First Level
- A.2 Proposed First Level
- X.3 Existing Second Level
- A.3 Proposed Second Level
- X.4 Existing Roof Plan
- A.4 Proposed Roof Plan
- X.5 Existing West & South Elevations
- A.5 Proposed West and South Elevations
- X.6 Existing East & North Elevations
- A.6 Proposed East & West Elevations

The Petitioner by its attorney Paul M. Lynch explained the petition as follows:

The property at 14 Crestwood Road consists of a lot of 13,160 square feet and contains a conforming single family dwelling located in the Single Residence District.

The proposal is to add a first floor addition on the left side of the house which will be located within the allowed side yard setback at a distance of 7 feet at the front corner and 11'4" at the rear corner. The addition will contain 393 square feet. A conforming deck is also proposed.

The location of the addition is caused by the severe change in elevation at the rear of the dwelling with a contour change of over 10 feet.

When completed the open area ratio will be 1:1.74

Attorney Lynch represented to the Board that the petitioners reviewed the plans with the immediate abutter on the left at 12 Crestwood Road who wrote a letter in support.

After the Petitioner's presentation, the Board opened the hearing to the public for comment.

No one spoke in support or opposition to the application.

Thereafter, upon motion duly made and seconded, the Board voted to close the public comment portion of the hearing. After discussion amongst the Board Members, the Board made the following findings and decision:

Findings of the Board

The Board made the following determinations and findings:

1. That all statutory requirements relating to publication and notice were duly complied with.
2. That all submitted plans and specifications meet the requirements of the Rules and Regulations of the Board.
3. That based upon the plans and specifications, and the information presented to the Board, the criteria set forth in ARTICLE IX, § 200-36B of the Marblehead Zoning By-Laws, consisting of the following, have been satisfied:
 - a. The general purposes and intent of the By-Law are met; Single family dwellings are allowed in the district as a matter of right and the by-law specifically provides for relief from the setback requirements in the Single Residence District. and
 - b. The specific site is an appropriate location for such use or building as it exists in a Single Residence District. and
 - c. The use as developed will not adversely affect the neighborhood.:The use remains a single family use and,
 - d. There will be no nuisance or serious hazard to vehicles or pedestrians; there exists adequate parking on the property and there will be no change to vehicle access and
 - e. Adequate and appropriate facilities will be provided for the proper operation of the proposed use. All necessary facilities presently exist on the property.

Decision

Whereupon the Board, after discussion and comments that the project met the Special Permit criteria, voted: To grant a Special Permit with the following conditions:

- This Special Permit is issued on the condition that there shall be no construction at any time following the vote of the Board of Appeals which either differs from the construction set forth on the drawings approved and stamped by the Board of Appeals by that vote, or which is inconsistent with this Decision and these conditions, without the Petitioner obtaining prior written approval from the Board of Appeals for such construction.
- This Special Permit is issued on the condition that no demolition, building or occupancy permit, whether temporary, conditional or permanent, shall issue for the proposed work approved by this Decision unless and until a copy of this four (4) page Decision, in its entirety, and not merely the conditions, bearing the certification of the Town Clerk that twenty (20) days have elapsed after the Decision has been filed in the office of the Town Clerk and either that no appeal has been filed, or that an appeal has been filed within such time, has been recorded in the Essex South District Registry of Deeds and indexed in the Grantor Index under the name of the owner of record or is filed for registration, if the land is registered, and noted on the Owner's Certificate of Title, all as required by Massachusetts General Laws Chapter 40A. The application for and/or issuance of any such permit prior to the recording of the endorsed copy of this Decision shall render the Special Permit granted herein null and void.

- The votes by the Board Members granting the Special Permit were:

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