



TOWN SEAL  
tel: 781-631-1529

fax: 781-631-2617

Revision Date: 12-02-20

# Town of Marblehead **ZONING BOARD OF APPEALS**

Mary A. Alley Municipal Building  
7 Widger Road, Marblehead, MA 01945

## **ZBA APPLICATION**

PAGE 1 of 3

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2022 APR 13 AM 11:18

Town Clerk

Project Address \_\_\_\_\_ 26 Foster Street, Marblehead, MA 01945

Assessor Map(s) \_\_\_\_\_ 908 \_\_\_\_\_ Parcel Number(s) \_\_\_\_\_ 6 - 0

### **OWNER INFORMATION**

Signature \_\_\_\_\_ date \_\_\_\_\_ April 13, 2022

Name (printed) \_\_\_\_\_ David P. Kennedy and Lauren S. Kennedy

Address \_\_\_\_\_ 26 Foster Street, Marblehead, MA 01945

Phone Numbers: home \_\_\_\_\_ - - \_\_\_\_\_ work \_\_\_\_\_ - - see below for contact - representative

E-mail \_\_\_\_\_ david.kennedy@kelmarassoc.com; lauren.kennedy1@comcast.net fax \_\_\_\_\_ - -

### **APPLICANT or REPRESENTATIVE INFORMATION** (if different from owner)

Signature \_\_\_\_\_ date \_\_\_\_\_ April 13, 2022

Name (printed) \_\_\_\_\_ Robert C. McCann \_\_\_\_\_ McCann & McCann, P.C.

Address \_\_\_\_\_ 89 Newbury Street, Suite 302, Danvers, MA 01923

Phone Numbers: home \_\_\_\_\_ - - \_\_\_\_\_ work \_\_\_\_\_ 978-739-8484

E-mail \_\_\_\_\_ rmccann@mccannlaw.com fax \_\_\_\_\_ 978-739-8455

### **PROJECT DESCRIPTION & RELIEF REQUESTED** (attach additional page if necessary)

SEE ATTACHED DESCRIPTION

- Please schedule a Zoning / Application review with the Building Department by calling 781-631-2220.
- Obtain the Town Clerk's stamp and submit 12 copies of each of the following to the Town Engineer's Office:
  - The signed and stamped application (3 pages);
  - Current survey plan (not older than 90 days) as prepared by a Registered Professional Land Surveyor;
  - The project design plans as required;
  - Check for the applicable fee payable to the Town of Marblehead.
- Any relevant permit(s) that were previously issued must be available for review by the Board of Appeals at the scheduled hearing. (Section 3 (D), Board of Zoning Appeals Rules & Regulations).

### **REQUIRED SIGNATURES**

1. Building Commissioner (pages 1, 2 and 3) \_\_\_\_\_ 4-13-2022

2. Town Clerk's stamp (upper right corner)

View Bylaws - (Chapter 200, zoning - online at: [www.marblehead.org/](http://www.marblehead.org/)

Reviewed by  
Building Department  
For Zoning Board  
Of Appeals

**PROJECT DESCRIPTION & RELIEF REQUESTED**

26 Foster Street, Marblehead, MA 01945  
David P. Kennedy and Lauren S. Kennedy  
Assessor Map(s) 908, Parcel Number(s) 6 - 0

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The Applicants request that the Zoning Board of Appeals issue a Special Permit under the Zoning By-Laws allowing the demolition of certain portions of the existing single-family dwelling and garage presently existing in the Side Yard Set Backs and the Rear Yard Set Back and approving construction of certain additions: (1) to the pre-existing nonconforming dwelling partially within the Side Yard Set Backs and the Rear Yard Set Back which in part will exceed the maximum allowed Height; and (2) to the pre-existing nonconforming garage partially within the Side Line Set Back. The pre-existing nonconforming dwelling has less than the required Side Line Set Backs and Rear Yard Set Back and exceeds the maximum allowed Height and the pre-existing nonconforming garage has less than the required Side Line Set Back on a Lot located at **26 FOSTER STREET** in a **SHORELINE EXPANDED SINGLE RESIDENCE ZONING DISTRICT** which Lot has less than the required Lot Area, Lot Frontage and Lot Width. The partial demolition will increase the current Rear Yard Set Back and the Height will be lowered due to the "Low Spot" changing and being at a higher elevation.

Town of Marblehead  
**ZBA-APPLICATION**  
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Revision Date: 12-02-2020

Project Address 26 Foster Street, Marblehead, MA 01945 Map(s)/Parcel(s) 908 / 6 - 0

**ZONING DISTRICT** (circle all that apply)

**B B1 BR CR SCR ECR GR SGR SR SSR ESR SESR HBR U SU**

**CURRENT USE** (explain) Single-Family

**CURRENT USE CONFORMS TO ZONING** (Article IV, Table 1)

Yes X No        (explain)       

**PROPOSED CHANGE OF USE**

No X Yes        (explain)       

**PROPOSED CONSTRUCTION QUALIFIES AS "Building New"** (§200-7) Yes        No X

**EXISTING DIMENSIONAL NON-CONFORMITIES** (check all that apply)

- X Lot Area – Less than required (§200-7 and Table 2)
- X Lot Width – Less than required (§200-7)
- X Frontage – Less than required (§200-7 and Table 2)
- Front Yard Setback – less than required (Table 2)
- X Rear Yard Setback - Less than required (Table 2) - **Dwelling only**
- X Side Yard Setback - Less than required (Table 2) - **Dwelling and Garage**
- X Height – Exceeds maximum allowed (§200-7 and Table 2) - **Dwelling only**
- Open Area – Less than required (§200-7, §200-15.B(2) and Table 2)
- Parking – Less than required; undersized; tandem (§200-17 to §200-21) (circle all that apply)
- Other Non-conformities (explain)
- No Existing Dimensional Non-Conformities

**NEW DIMENSIONAL NON-CONFORMITIES** (check all that apply)

- Lot Area – Less than required (§200-7 and Table 2)
- Lot Width – Less than required (§200-7)
- Frontage – Less than required (§200-7 and Table 2)
- Front Yard Setback – Less than required (Table 2)
- X Rear Yard Setback - Less than required (Table 2) - **Dwelling only**
- X Side Yard Setback - Less than required (Table 2) - **Dwelling and Garage**
- X Height – Exceeds maximum allowed (§200-7 and Table 2) - **Dwelling only**
- Open Area – Less than required (§200-7, §200-15.B(2) and Table 2)
- Parking – Less than required; undersized; tandem (§200-17 to §200-21) (circle all that apply)
- Exceeds 10% Expansion Limits for Nonconforming Building (§200-30.D)
- Other Non-conformities (explain)
- No New Dimensional Non-Conformities

**ADDITIONAL HEARINGS REQUIRED**

Conservation Commission	Yes <u>X</u>	No <u>      </u>
Historic District Commission	Yes <u>      </u>	No <u>X</u>
Planning Board	Yes <u>      </u>	No <u>X</u>

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**DESIGN & SURVEY PLANS MEET –ZBA- RULES & REGULATIONS** (Sections 3(A) and 3(C))

Yes X No        (explain)       

Building Official  Date 4-13-2022

**ZBA-APPLICATION**

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Revision Date: 12-02-2020

Project Address 26 Foster Street, Marblehead, MA 01945 Map(s)/Parcel(s) 908 / 6 - 0**NET OPEN AREA (NOA)****EXISTING****PROPOSED**

Lot area = A

21,20021,200**Area of features**

footprint of accessory building(s)

808924

footprint of building

2,7392,252

footprint of deck(s), porch(es), step(s), bulkhead(s)

6821,176number of required parking spaces 2 x (9'x18' per space)324324

area of pond(s), or tidal area(s) below MHW

00

other areas (explain) \_\_\_\_\_

00**Sum of features = B**4,5534,676**Net Open Area (NOA) = (A - B)**16,64716,524**GROSS FLOOR AREA (GFA)**

accessory structure(s)

1,3891,692

basement or cellar (area &gt;5' in height)

770770

1st floor (12' or less in height) NOTE:[for heights exceeding

2,5862,181

2nd floor (12' or less in height) 12' see definition

1,8632,071

3rd floor (12' or less in height) of STORY §200-7]

00

4th floor (12' or less in height)

00

attic (area &gt;5' in height)

00

area under deck (if &gt;5' in height)

543711

roofed porch(es)

115186**Gross Floor Area (GFA) = sum of the above areas**7,2667,611**Proposed total change in GFA = (proposed GFA - existing GFA)**= 345**Percent change in GFA = (proposed total change in GFA ÷ existing GFA) x 100**= .047 %**Existing Open Area Ratio = (existing NOA ÷ existing GFA)**= 2.29 : 1.00**Proposed Open Area Ratio = (proposed NOA ÷ proposed GFA)**= 2.17 : 1.00

This worksheet applies

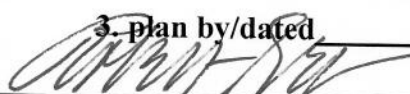
1. plan by/dated March 8, 2022 by North Shore Survey

to the following plan(s):

2. plan by/dated April 8, 2022 by Ebben Creek Architecture

3. plan by/dated \_\_\_\_\_

Building Official

Date 4-13-2022Reviewed by  
Building Department  
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April 12, 2022  
Marblehead Building Department  
7 Widger Road  
Marblehead, MA 01945

Re: Kennedy Residence, 26 Foster St., Marblehead, MA

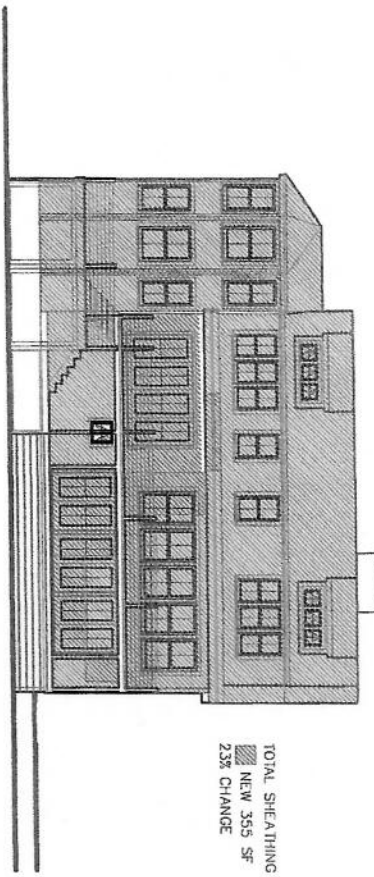
To Whom It May Concern:

The project we are planning for 26 Foster Street does not fall under the definition of a 'new building' based on the amount of structural elements or the amount of sheathing that will be replaced. Both elements fall under the 50% threshold based on the calculations represented in the attached plan and exterior elevations.

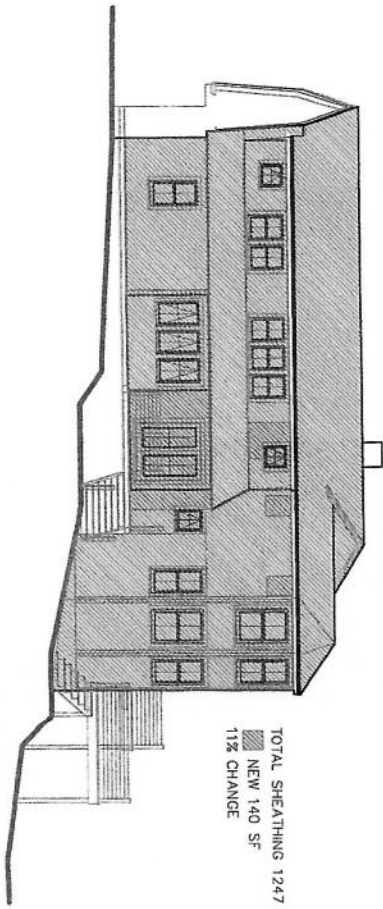
Regards,

Brendan T. O'Donoghue  
Ebben Creek Architecture

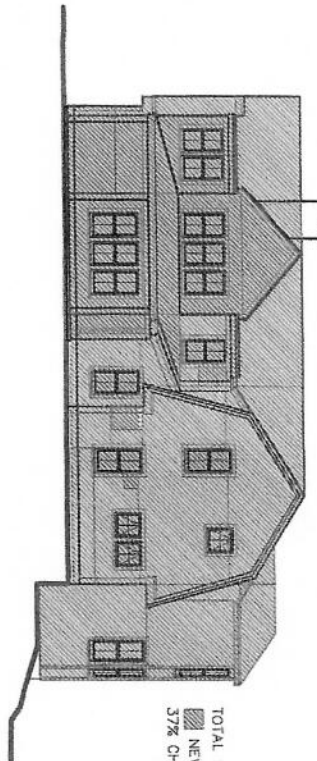
Date: 4.12.22



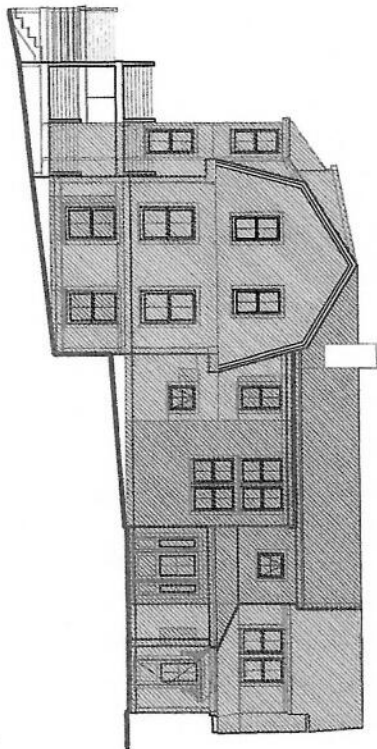
TOTAL SHEATHING 1517 SF  
 NEW 355 SF  
 23% CHANGE



TOTAL SHEATHING 1247 SF  
 NEW 140 SF  
 11% CHANGE



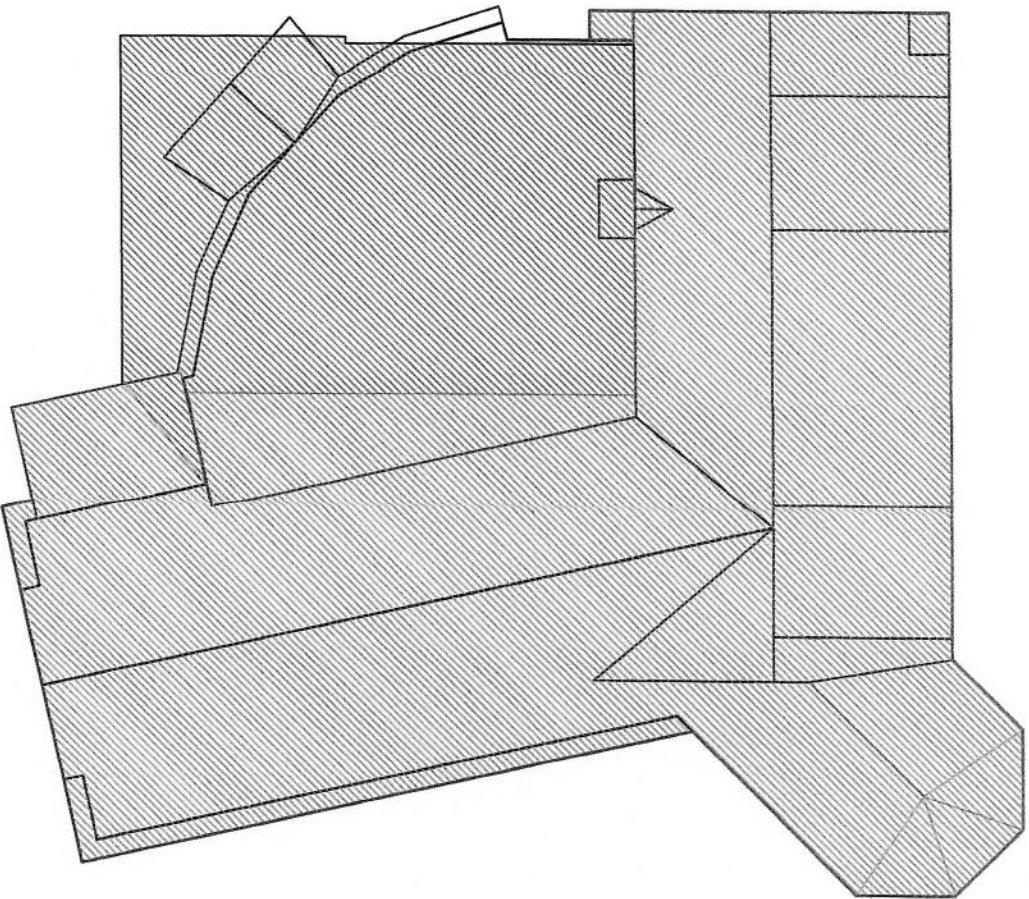
TOTAL SHEATHING 1418 SF  
 NEW 524 SF  
 37% CHANGE



TOTAL SHEATHING 1716 SF  
 NEW 636 SF  
 37% CHANGE

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2739 SF - CURRENT FOOTPRINT OF STRUCTURE

1988 SF - STRUCTURAL ELEMENTS TO REMAIN

715 SF - STRUCTURAL ELEMENTS TO BE REPLACED

26% OF STRUCTURAL ELEMENTS TO BE REPLACED

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