



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

RECEIVED  
MARBLEHEAD  
TOWN CLERK

2022 APR 13 AM 11:18

## ZBA APPLICATION

PAGE 1 of 3

Town Clerk

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

### OWNER INFORMATION

Signature [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 -

RECEIVED  
APR 15 2022

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

Signature [Signature]  
Name (printed) Robert C. McCann date April 13, 2022  
Address 89 Newbury Street, Suite 302, Danvers, MA 01923 McCann & McCann, P.C.  
Phone Numbers: home - work 978-739-8484  
E-mail rmccann@rmccannlaw.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 during the scheduled hearing. (Section 3 (D), Board of Zoning Appeals Rules & Regulations).

### REQUIRED SIGNATURES

Reviewed by  
Building Department  
For Zoning Board  
Of Appeals

1. Building Commissioner (pages 1, 2 and 3)

[Signature] 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/))

**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

Reviewed by  
Building Department  
For Zoning Board  
Of Appeals

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.

**ZBA-APPLICATION**

Page 2 of 3

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)  
X 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 and Table 2) - Dwelling only  
   Parking - Less than required; undersized; tandem (§200-15.B(2) and Table 2)  
   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 and Table 2) - Dwelling only  
   Parking - Less than required; undersized; tandem (§200-15.B(2) and Table 2)  
   Exceeds 10% Expansion Limits for Nonconforming Building (§200-21) (circle all that apply)  
   Other Non-conformities (explain)  
   No New Dimensional Non-Conformities

**ADDITIONAL HEARINGS REQUIRED**

Conservation Commission  
 Historic District Commission  
 Planning Board

Yes X No  
 Yes    No X  
 Yes    No X

**DESIGN & SURVEY PLANS MEET - ZBA- RULES & REGULATIONS** (Sections 3(A) and 3(C))  
Yes X No (explain)Reviewed by  
Building Department  
For Zoning Board  
Of Appeals

Building Official



Date 4-13-2022

**ZBA-APPLICATION**

Page 3 of 3

Revision Date: 12-02-2020

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

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)

7707701st floor (12' or less in height) NOTE: for heights exceeding2,5862,181

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 : 1.00Reviewed by  
Building Department  
For Zoning Board  
Of AppealsThis 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

Building Official

Plan by/dated  
Date 4-13-2022

Reviewed by  
Building Department  
For Zoning Board  
Of Appeals

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.

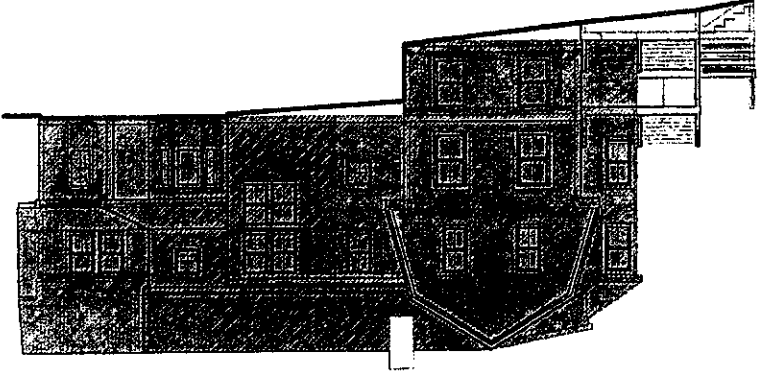
Regards,

Brendan T. O'Donoghue  
Ebben Creek Architecture

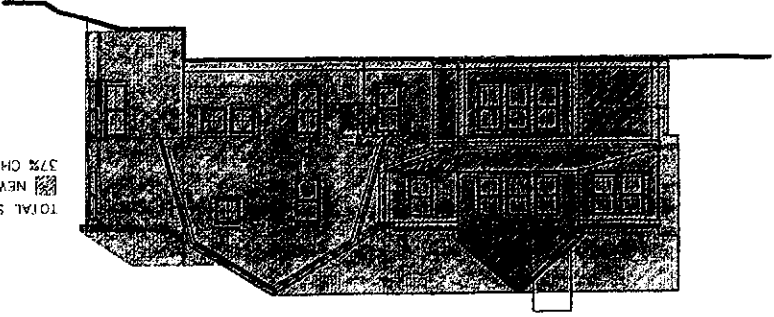
Date: 4.12.22

Reviewed by  
Building Department  
For Zoning Board  
Of Appeals

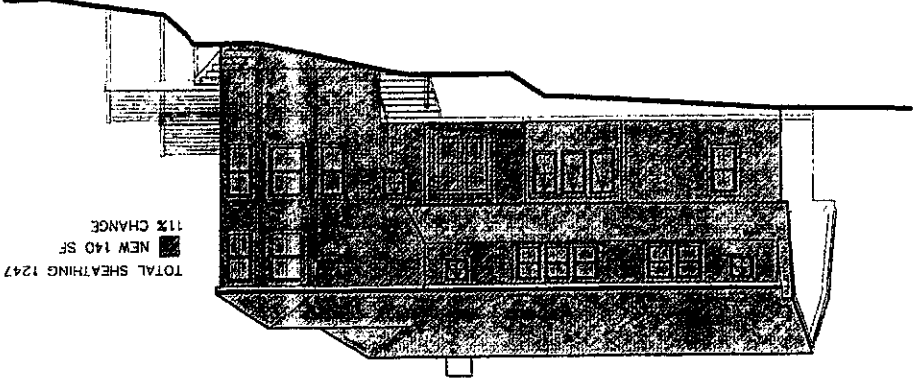
TOTAL SHEATHING 1716 SF  
NEW 636 SF  
37% CHANGE



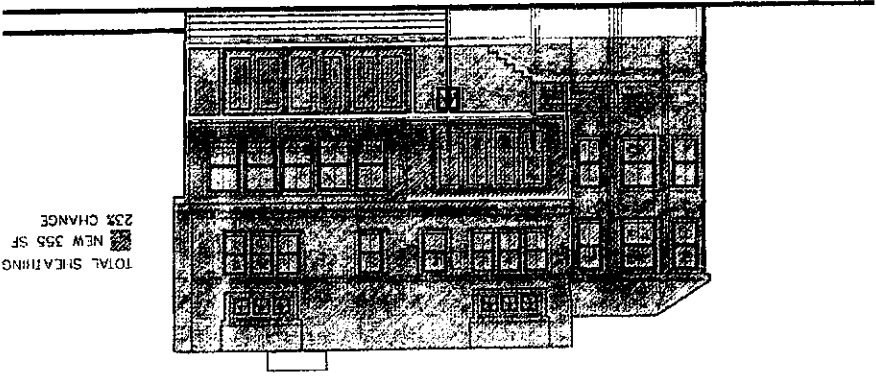
TOTAL SHEATHING 1418 SF  
NEW 524 SF  
37% CHANGE

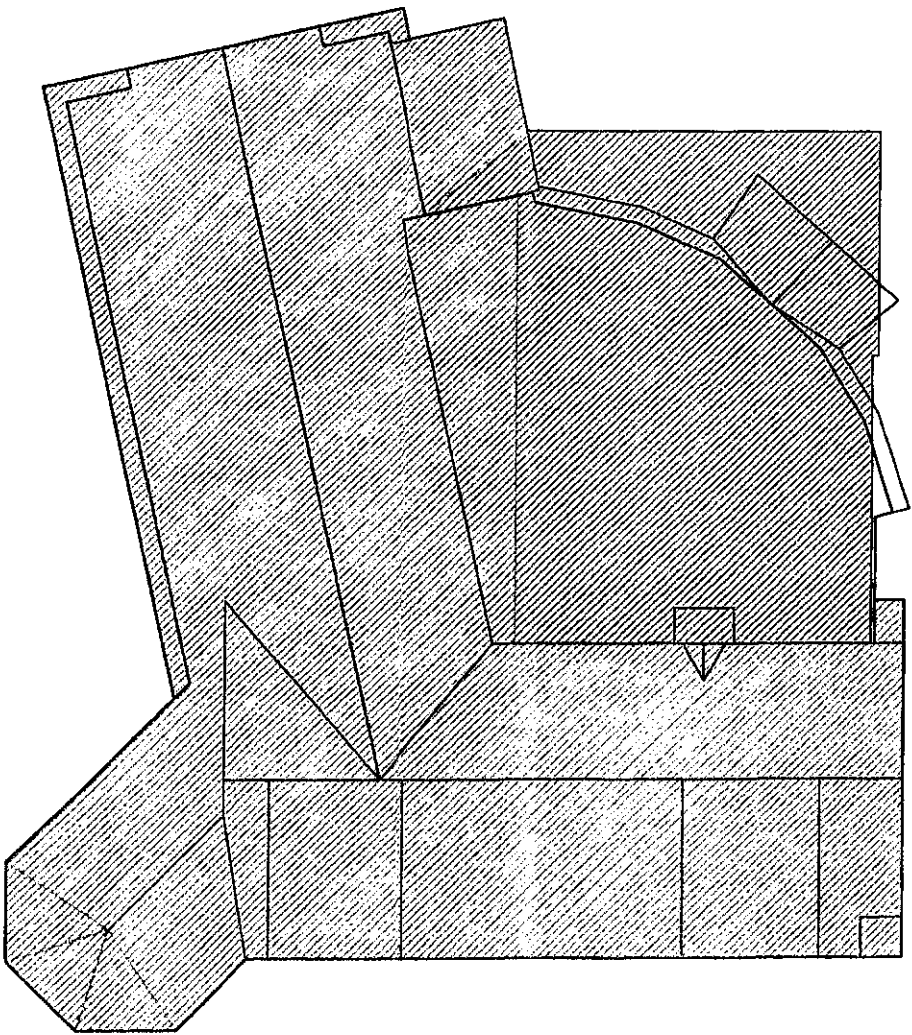


TOTAL SHEATHING 1247 SF  
NEW 140 SF  
11% CHANGE



TOTAL SHEATHING 1517 SF  
NEW 355 SF  
23% CHANGE





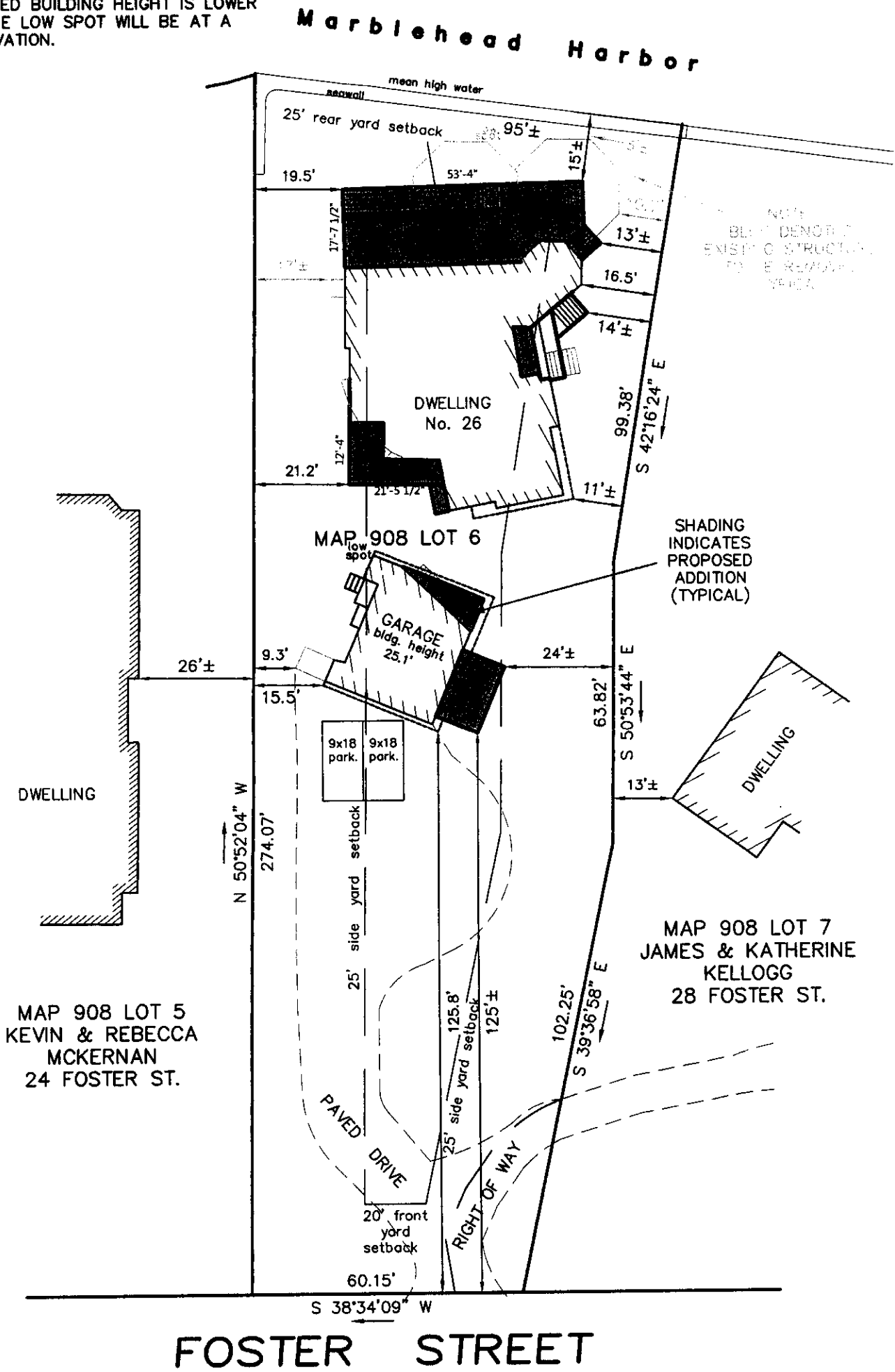
Division of  
Building Department  
For Zoning Board  
Of Appeals

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

ZONING DISTRICT -  
SHORELINE EXPANDED SINGLE RESIDENCE

	REQUIRED	EXISTING DWELLING	PROPOSED DWELLING	EXISTING GARAGE	PROPOSED GARAGE
LOT AREA	35000	21200±	21200±	21200±	21200±
FRONTAGE	100	60.15'	60.15'	60.15'	60.15'
FRONT	20	176'±	176'±	125.8'	125'±
SIDE	25	11'±	11'±	9.3'	15.5'
REAR	25	5'±	15'±	N/A	N/A
BLDG HEIGHT	30	37.2'	33.7'*	25.1'	25.1'

\*THE PROPOSED BUILDING HEIGHT IS LOWER  
BECAUSE THE LOW SPOT WILL BE AT A  
HIGHER ELEVATION.



Reviewed by  
Building Department  
For Zoning Board  
Of Appeals

**FOSTER STREET**

**ZONING BOARD OF APPEALS PLAN**

26 FOSTER STREET

**MARBLEHEAD**

PROPERTY OF

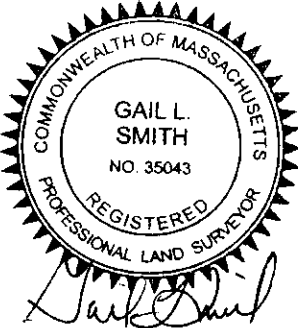
**DAVID & LAUREN KENNEDY**

SCALE 1" = 30' MARCH 8, 2022

**NORTH SHORE SURVEY CORPORATION**

14 BROWN ST. - SALEM, MA

(978) 744-4800



THIS PLAN IS THE RESULT  
OF AN INSTRUMENT SURVEY.

# 5276



No.	Date	Issue Notes
1	00.00.00	Issued, design, etc.
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Overall Notes

Reviewed by  
Building Department  
For Zoning Board  
Of Appeals

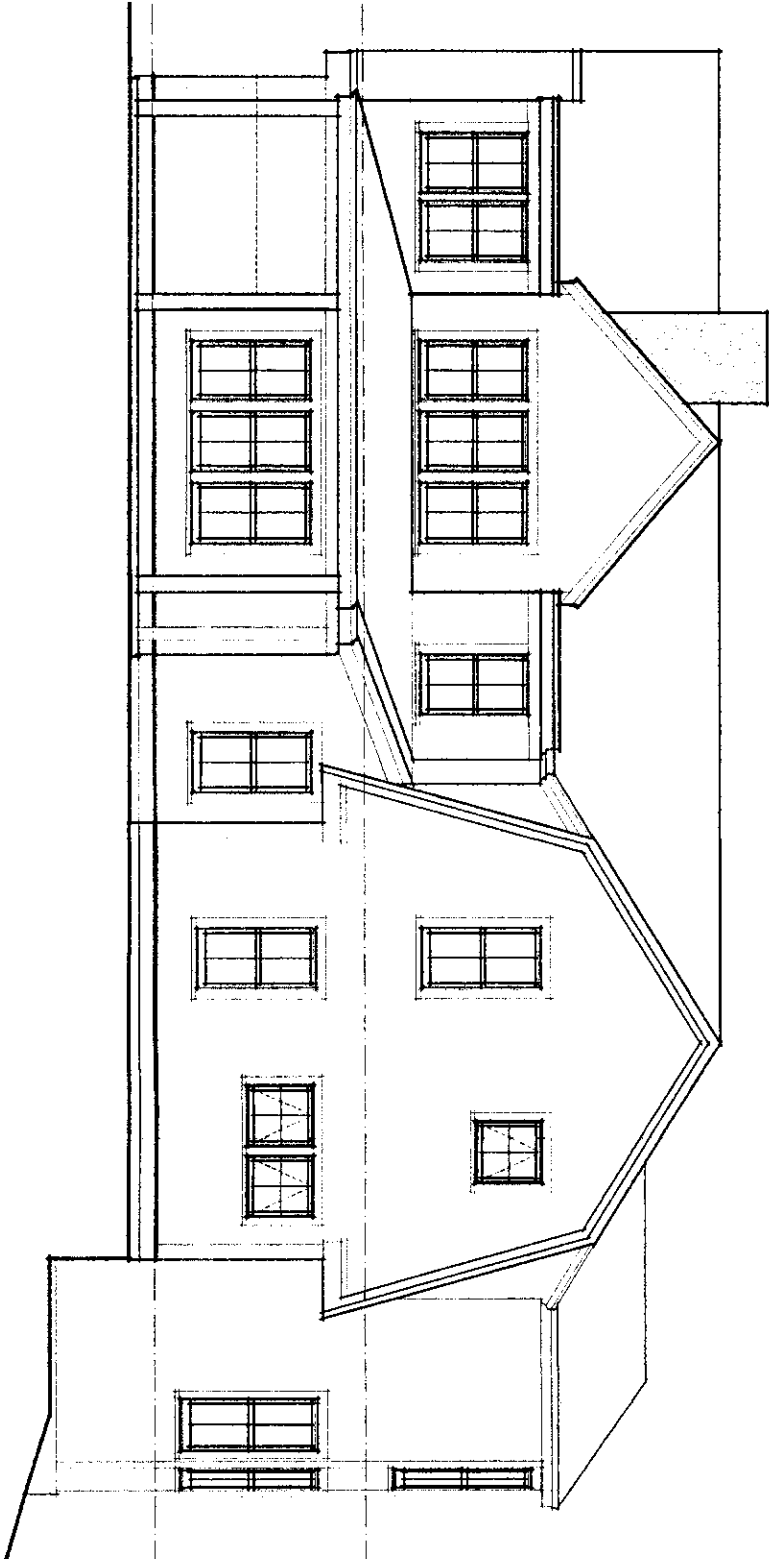
Project Name  
**KENNEDY RESIDENCE**  
26 FOSTER ST  
MARBLEHEAD, MA 01945

Drawing Name	ZBA SUBMITTAL
Drawing Title	APRIL 8, 2022
Project Name	COVER
Project Number	AS NOTED
Drawing Number	
Drawing Title	BT00
Scale	A0

ADDITION AND RENOVATION OF THE

# KENNEDY RESIDENCE

26 FOSTER STREET, MARBLEHEAD, MASSACHUSETTS 01945



RECEIVED  
APR 15 2022

Essex, Massachusetts 978.319.5721  
ebben.creek.architects.com

No	Date	Issue Notes
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Reviewed by  
Building Department  
For Zoning Board  
Of Appeals

KENNEDY RESIDENCE  
26 FOSTER ST  
MARBLEHEAD, MA 01945

ZBA SUBMITTAL  
APRIL 8, 2022

EXISTING SITE PLAN

A1.0

No	Date	Issue Notes
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Owner Review

Reviewed by  
Building Department  
For Zoning Board  
Of Appeals

Project Name  
**KENNEDY RESIDENCE**  
26 FOSTER ST  
MARBLEHEAD, MA 01945

Drawing Scale  
ZBA SUBMITTAL  
APRIL 8, 2022

Drawing Title  
**EXISTING  
BASEMENT PLAN**

Project Reference  
Scale AS NOTED

Out of Scale  
Drawn by BTOD

A1.1

1 EXISTING BASEMENT PLAN  
Scale: 1/4" = 1'-0"



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Other Notes

Reviewed by  
Building Department  
For Zoning Board  
Of Appeals

Project Name  
**KENNEDY RESIDENCE**  
26 FOSTER ST  
MARBLEHEAD, MA 01945

Drawing Status  
ZBA SUBMITTAL  
APRIL 8, 2022

Drawing Title  
**EXISTING  
FIRST FLOOR PLAN**

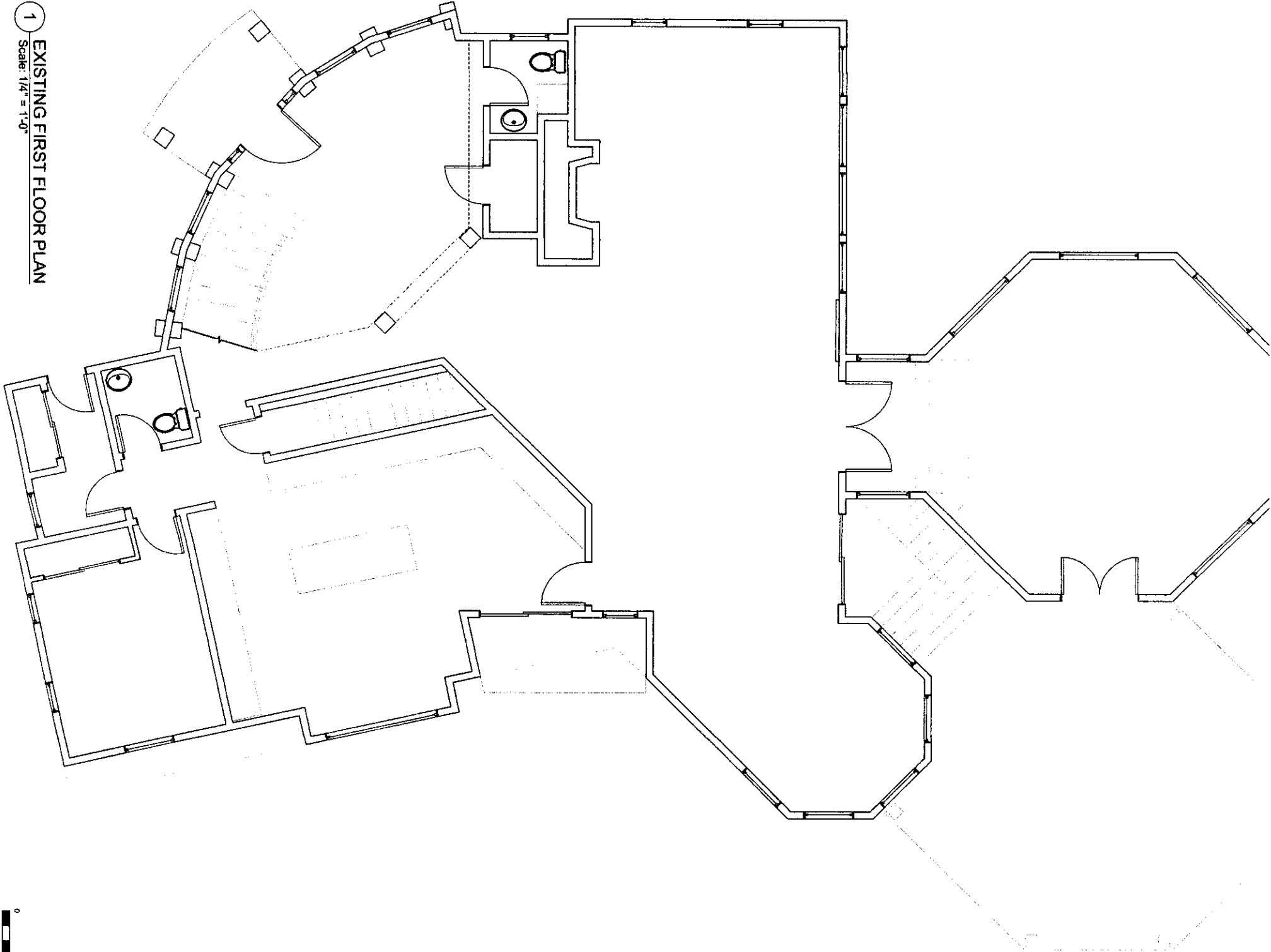
Project Number  
Status  
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DDP File Name  
Drawing Number

Drawn By  
BFOOD

A1.2

1 EXISTING FIRST FLOOR PLAN  
Scale: 1/4" = 1'-0"



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Reviewed by  
Building Department  
For Zoning Board  
Of Appeals

**KENNEDY RESIDENCE**  
26 FOSTER ST  
MARBLEHEAD, MA 01945

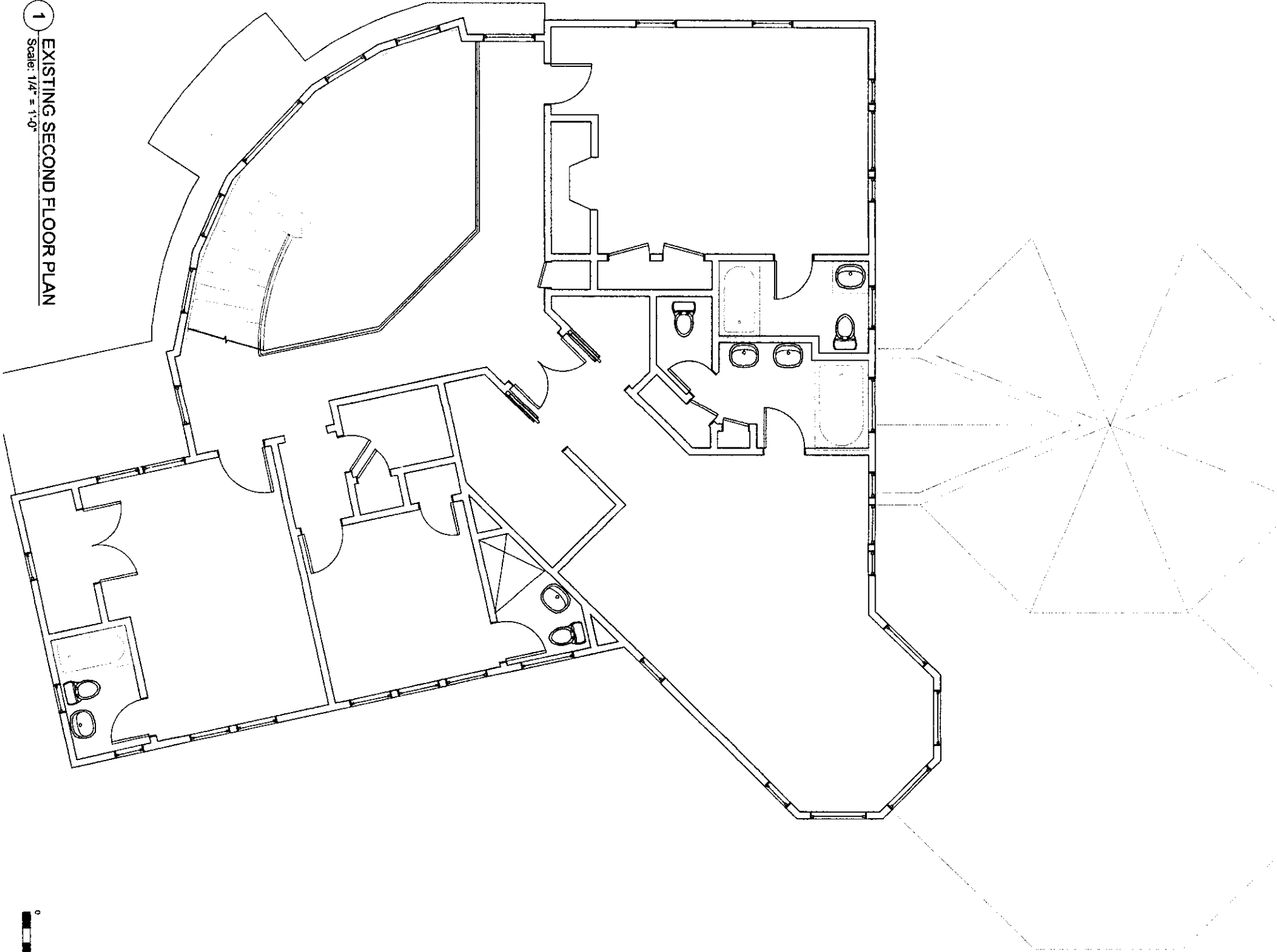
Drawing Status  
ZBA SUBMITTAL  
APRIL 8, 2022

Drawing Title  
EXISTING  
SECOND FLOOR PLAN

Project Name  
AS NOTED

Drawn By  
B.TOD  
A1.3

1 EXISTING SECOND FLOOR PLAN  
Scale: 1/4" = 1'-0"



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Reviewed by  
Building Department  
For Zoning Board  
Of Appeals

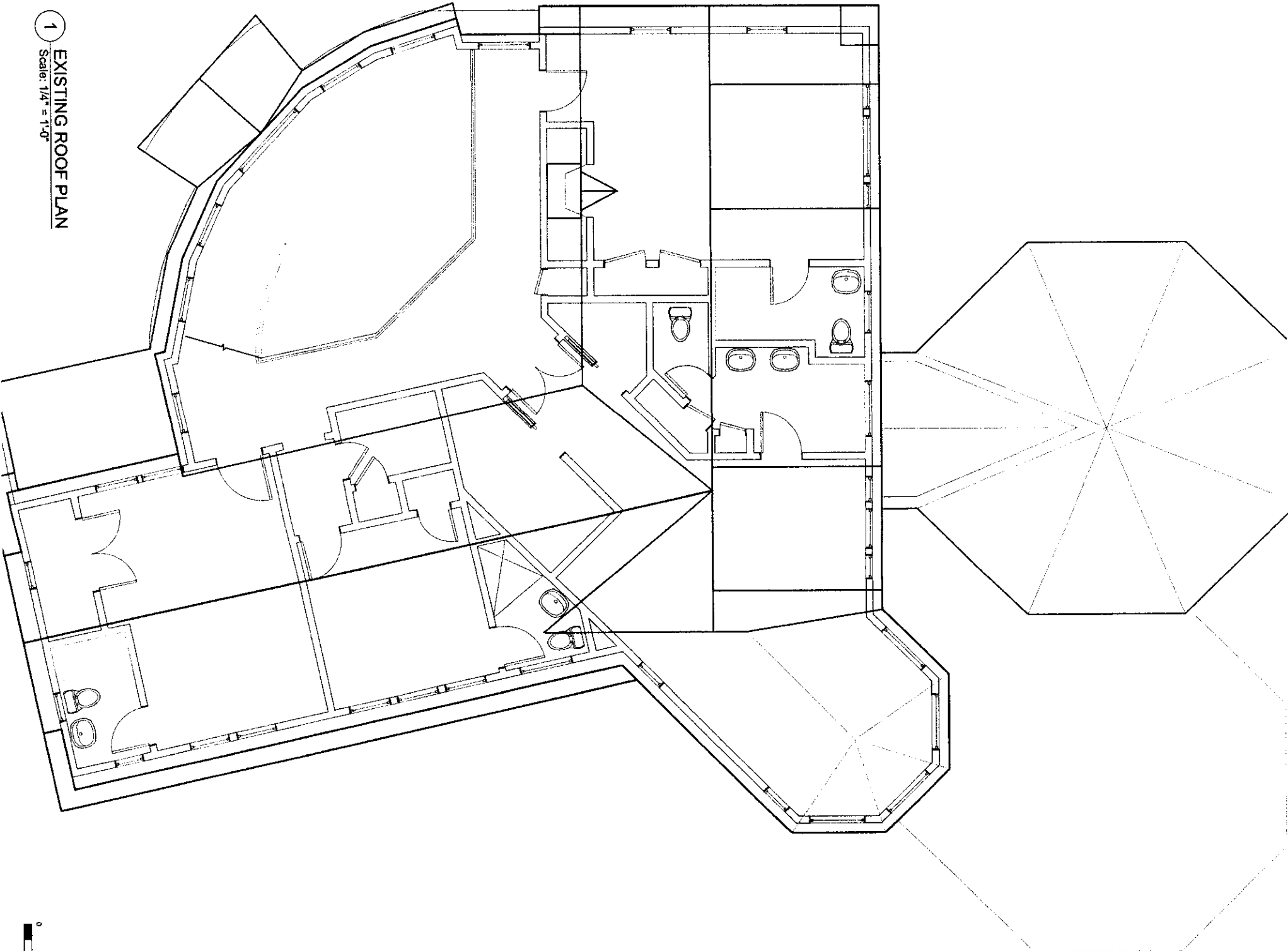
**KENNEDY RESIDENCE**  
26 FOSTER ST  
MARBLEHEAD, MA 01945

ZBA SUBMITTAL  
APRIL 8, 2022

**EXISTING  
ROOF PLAN**

AS NOTED

**A1.4**



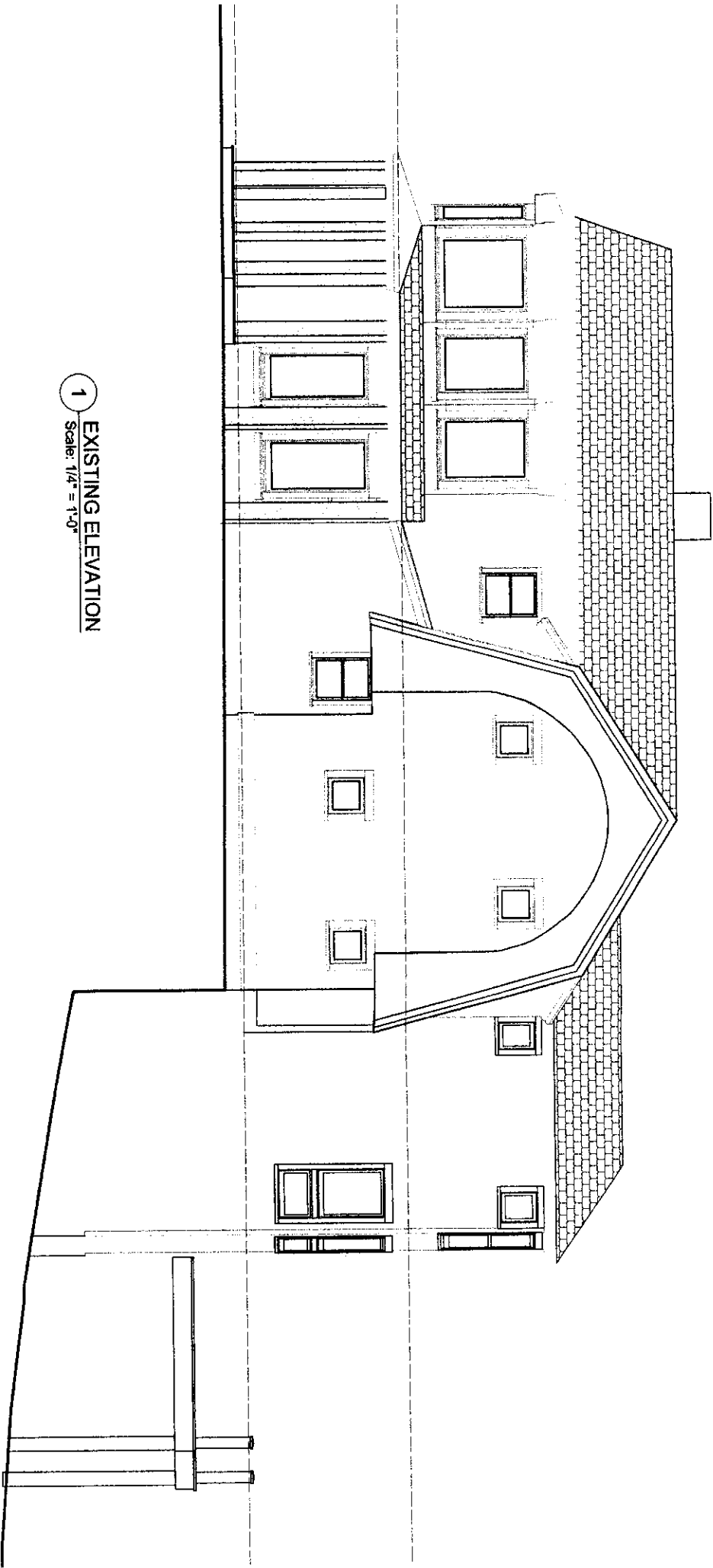
**1 EXISTING ROOF PLAN**  
Scale: 1/4" = 1'-0"



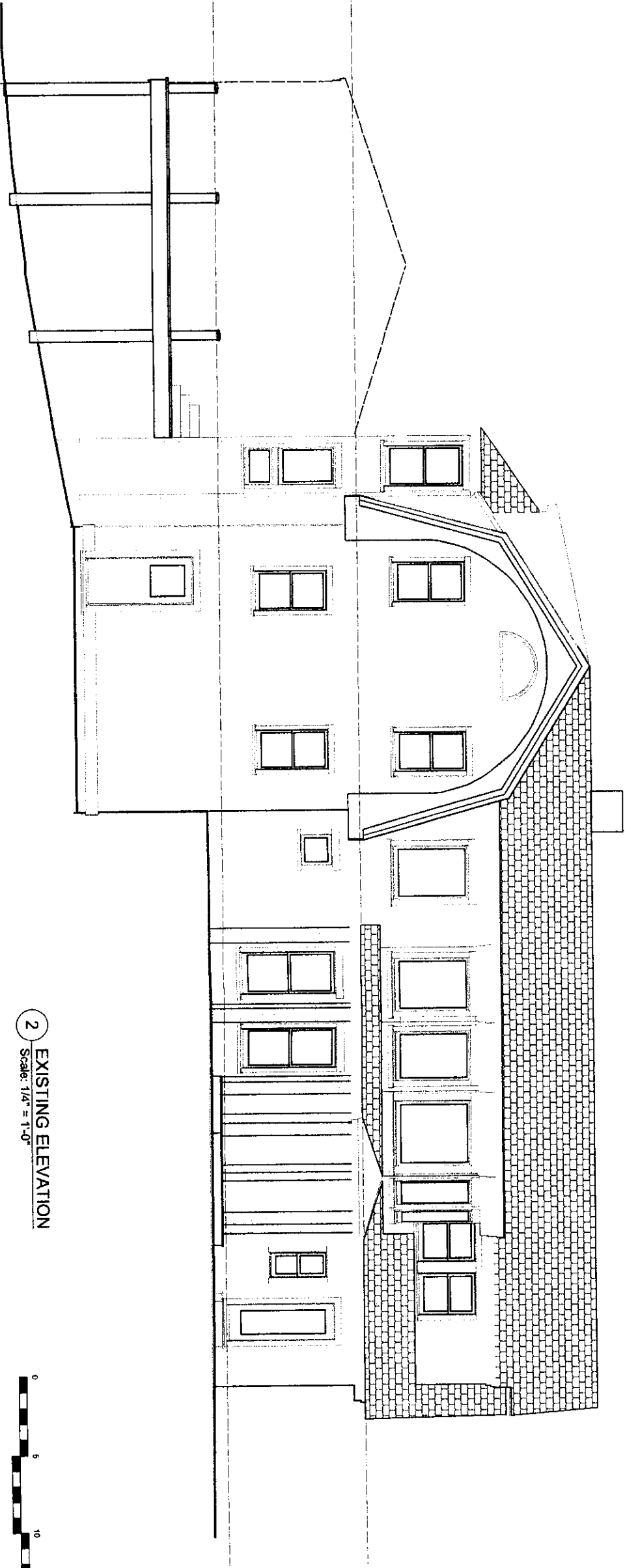
Essex, Massachusetts 978.319.5721  
ebbcreekarchitects.com

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1 EXISTING ELEVATION  
Scale: 1/4" = 1'-0"



2 EXISTING ELEVATION  
Scale: 1/4" = 1'-0"



Reviewed by  
Building Department  
For Zoning Board  
Of Appeals

**KENNEDY RESIDENCE**  
26 FOSTER ST  
MARBLEHEAD, MA 01945

DATE: 3/26/22 ZBA SUBMITTAL  
DRAWING TITLE: APRIL 8, 2022

EXISTING  
EXTERIOR ELEVATIONS

PROJECT NUMBER: 2022-04-0001  
DATE: 3/26/22  
DRAWN BY: BT00  
SCALE: AS NOTED

A1.5

No.	Date	Issue Notes
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Reviewed by  
Building Department  
For Zoning Board  
Of Appeals

Project Name  
**KENNEDY RESIDENCE**  
26 FOSTER ST  
MARBLEHEAD, MA 01945

Drawn By  
ZBA SUBMITTAL  
APRIL 8, 2022

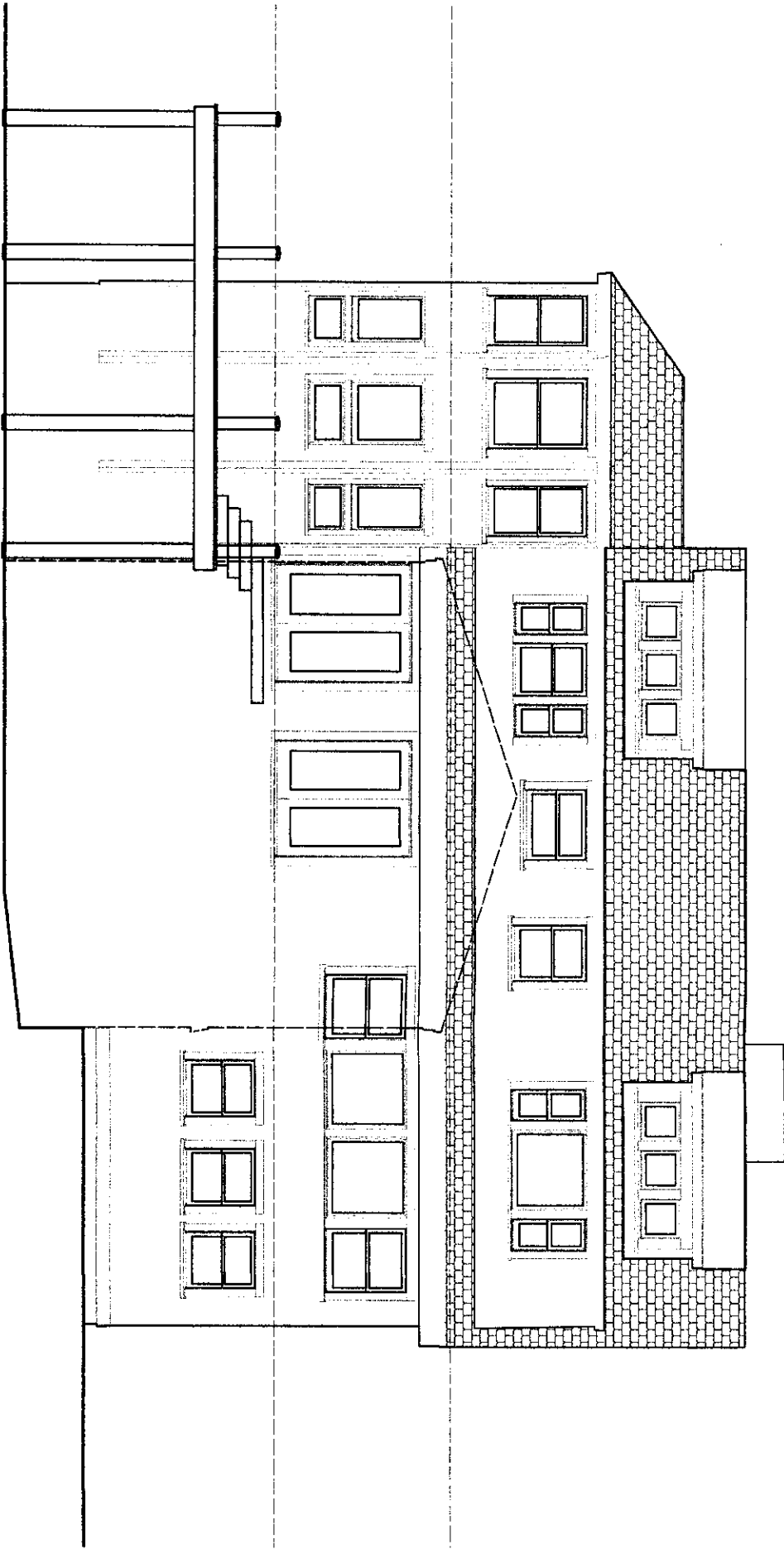
Drawing Title  
**EXISTING  
EXTERIOR ELEVATIONS**

Project Number  
Scale  
AS NOTED

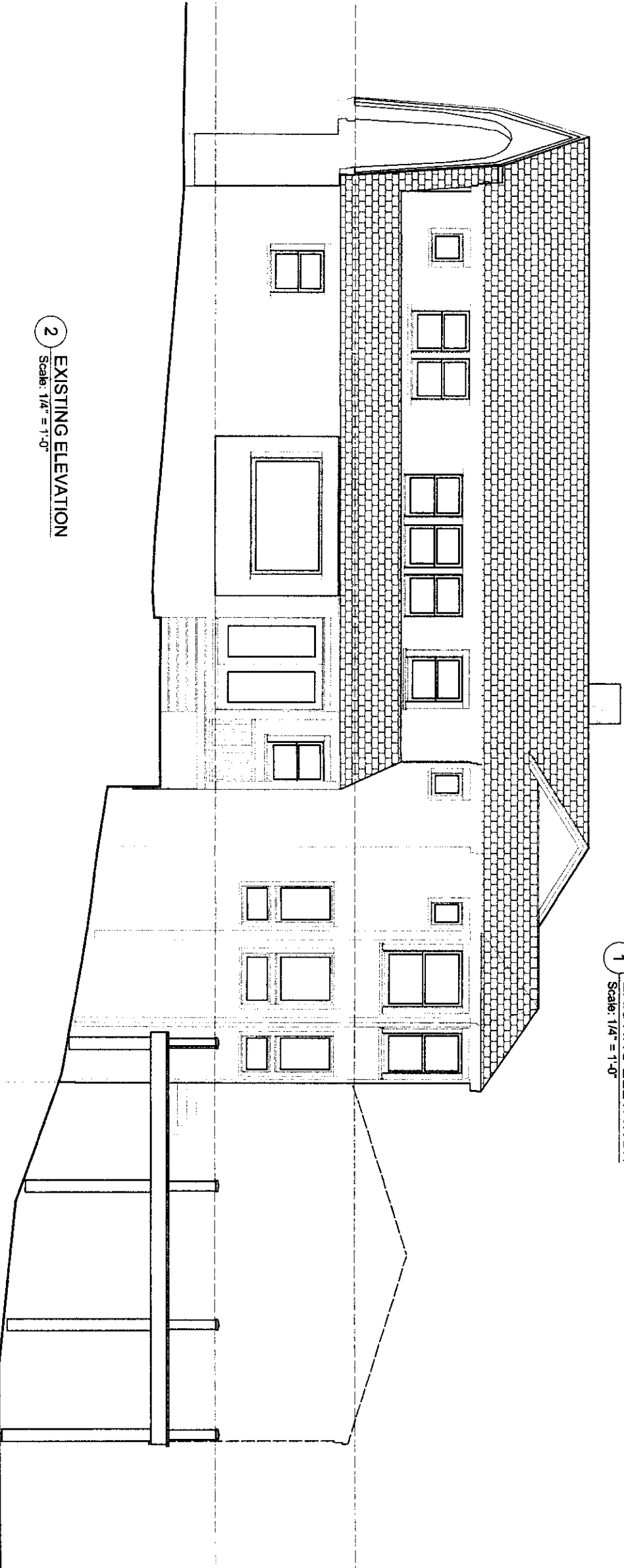
Drawn By

BTOD

A1.6



1 EXISTING ELEVATION  
Scale: 1/4" = 1'-0"



2 EXISTING ELEVATION  
Scale: 1/4" = 1'-0"





Essex, Massachusetts 978.339.5721  
ebbcreekarchitects.com

No.	Date	Issue Notes
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FOSTER ST

Reviewed by  
Building Department  
For Zoning Board  
Of Appeals

KENNEDY RESIDENCE  
26 FOSTER ST  
MARBLEHEAD, MA 01945

ZBA SUBMITTAL  
APRIL 8, 2022

PROPOSED SITE PLAN

AS NOTED  
A2.0

Essex, Massachusetts 978.319.5721  
ebbenecreekarchitects.com

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Overall Notes

Reviewed by  
Building Department  
For Zoning Board  
Of Appeals

Project Name

KENNEDY RESIDENCE  
26 FOSTER ST  
MARBLEHEAD, MA 01945

Drawing Scale

ZBA SUBMITTAL  
APRIL 8, 2022

Drawing Title

PROPOSED  
BASEMENT PLAN

Project Number

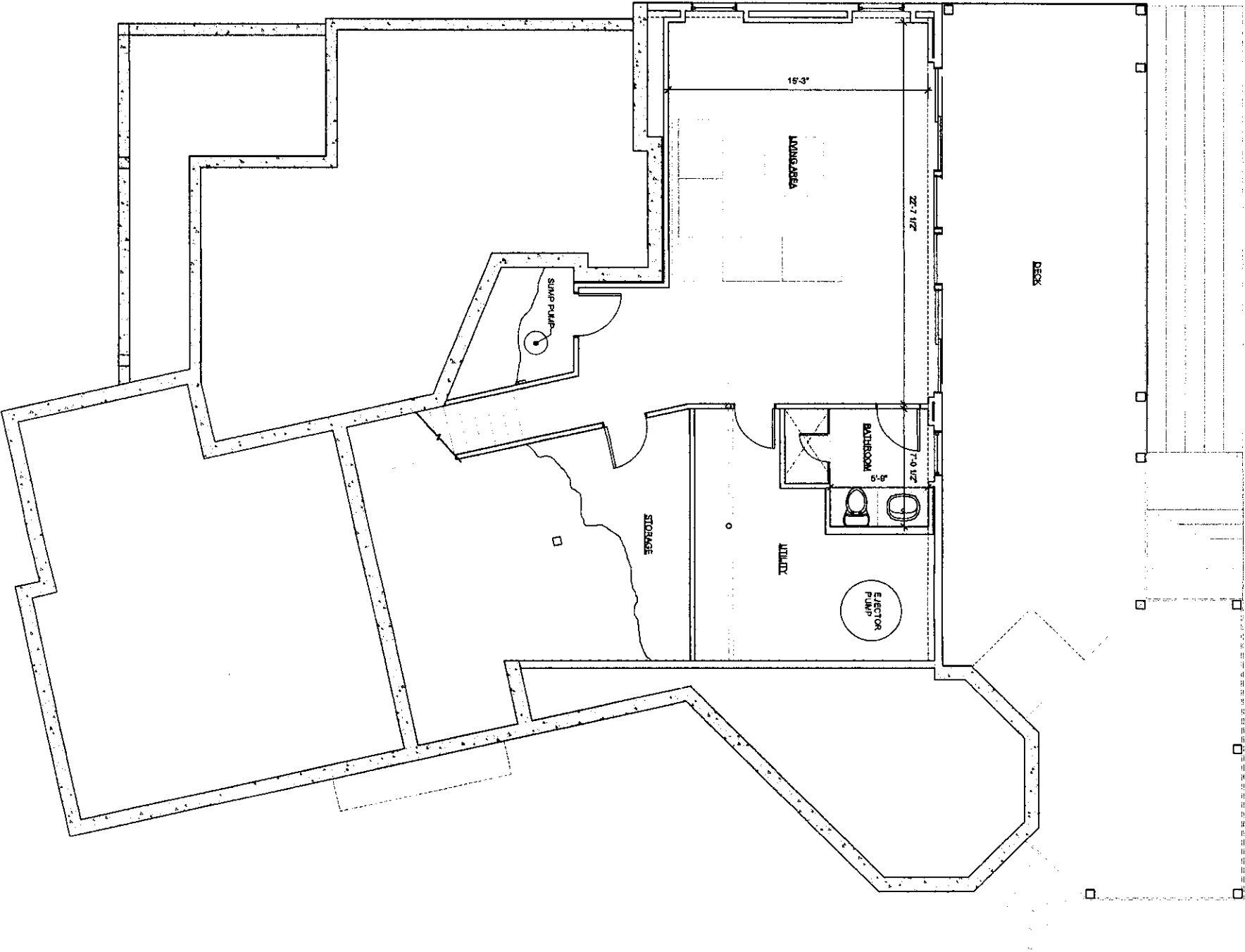
AS NOTED

Drawing Number

BTOD

Sheet Number

A2.1



1 PROPOSED BASEMENT PLAN  
Scale: 1/4" = 1'-0"



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Reviewed by  
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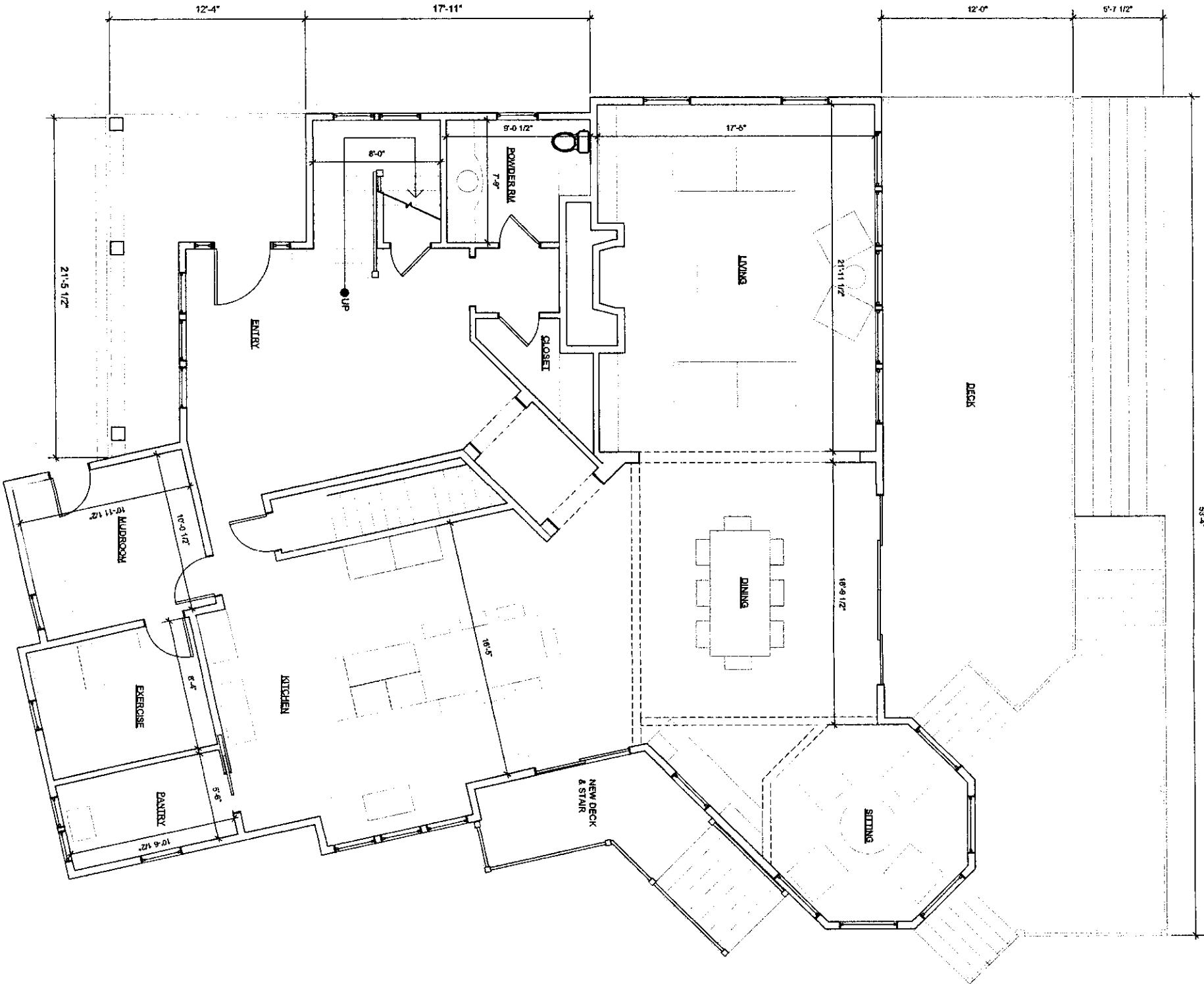
KENNEDY RESIDENCE  
26 FOSTER ST  
MARBLEHEAD, MA 01945

ZBA SUBMITTAL  
APRIL 8, 2022

PROPOSED FIRST  
FLOOR PLAN

AS NOTED

A2.2



1 PROPOSED FIRST FLOOR PLAN  
Scale: 1/4" = 1'-0"



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No.	Date	Issue Notes
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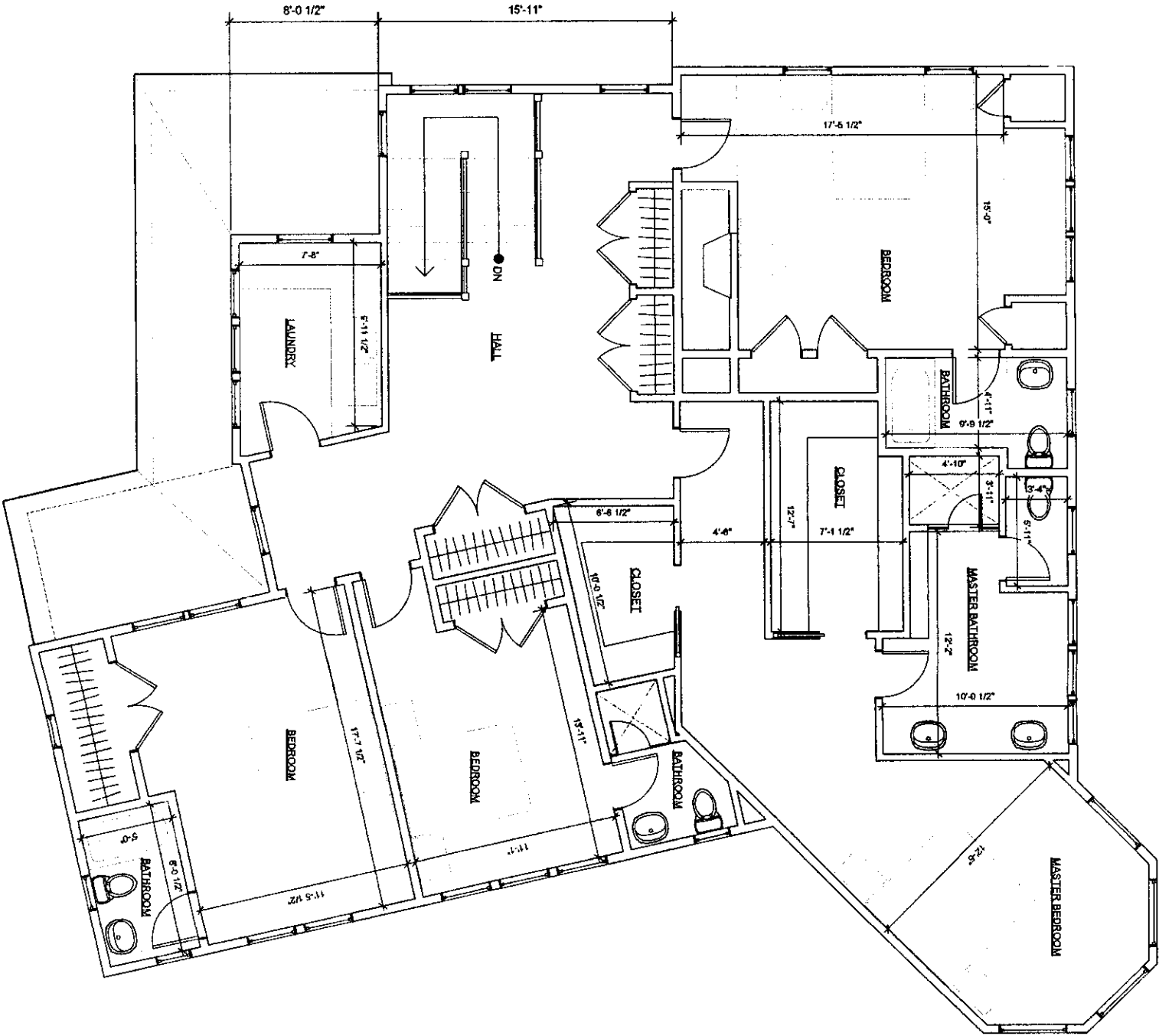
Reviewed by  
Building Department  
For Zoning Board  
Of Appeals

**KENNEDY RESIDENCE**  
26 FOSTER ST  
MARBLEHEAD, MA 01945

ZBA SUBMITTAL  
APRIL 8, 2022

**PROPOSED SECOND  
FLOOR PLAN**

**A2.3**



**1 PROPOSED SECOND FLOOR PLAN**  
Scale: 1/2" = 1'-0"



No	Date	Issue Notes
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Overall Notes

Reviewed by  
Building Department  
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Of Appeals

Project Name

KENNEDY RESIDENCE  
26 FOSTER ST  
MARBLEHEAD, MA 01945

Drawing Name

ZBA SUBMITTAL  
APRIL 8, 2022

Drawing Title

PROPOSED ROOF PLAN

Project Location

State AS NOTED

Designing Architect

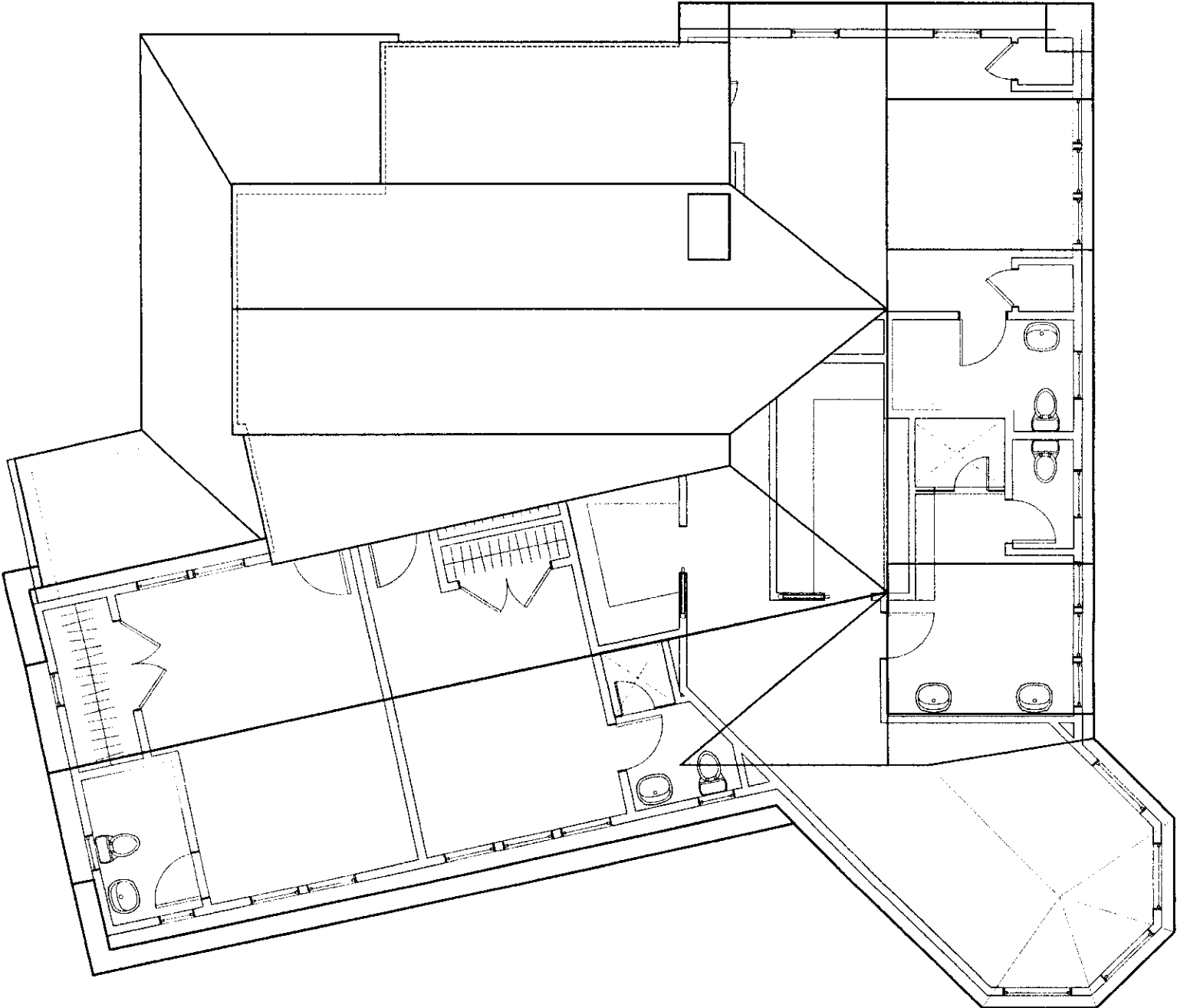
Owner/Builder

Drawing No.

BT00

Scale

A2.4



1 PROPOSED ROOF PLAN  
Scale: 1/2" = 1'-0"



No.	Date	Issue Notes
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Sheets Index

Reviewed by  
Building Department  
For Zoning Board  
Of Appeals

Project Name  
**KENNEDY RESIDENCE**  
26 FOSTER ST  
MARBLEHEAD, MA 01945

Drawing Scale  
ZBA SUBMITTAL  
APRIL 8, 2022

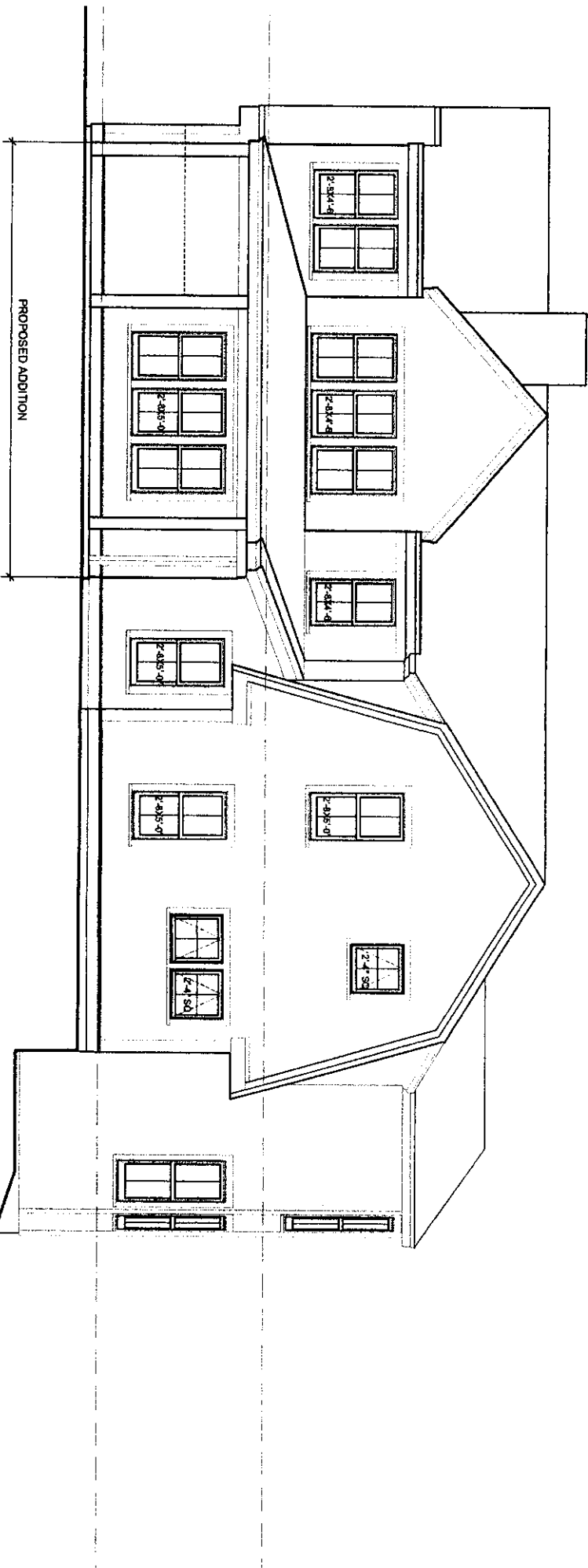
Drawing Title  
**PROPOSED ELEVATIONS**

Project Number  
006-24-0000

Sheet Number  
006-24-0000

Drawn By  
BTOD

A2.5



1 PROPOSED ELEVATION  
Scale: 1/4" = 1'-0"



2 PROPOSED ELEVATION  
Scale: 1/4" = 1'-0"



No.	Date	Issue Notes
1	00.00.00	Issue Drawings, etc.
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Reviewed by  
Building Department  
For Zoning Board  
Of Appeals

KENNEDY RESIDENCE  
26 FOSTER ST  
MARBLEHEAD, MA 01945

ZBA SUBMITTAL  
APRIL 8, 2022

PROPOSED ELEVATIONS

AS NOTED

A2.6

1 PROPOSED ELEVATION

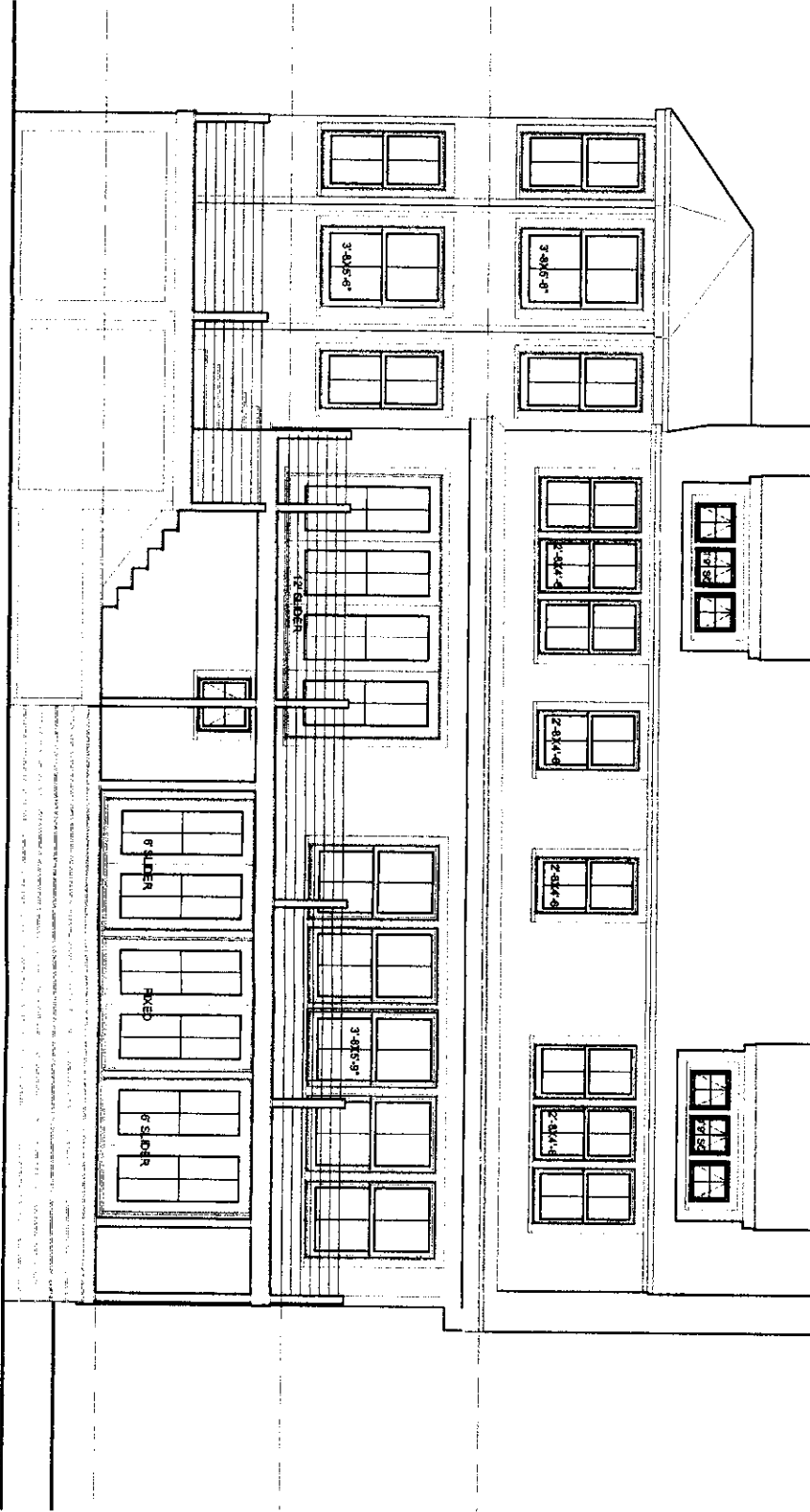
Scale: 1/4" = 1'-0"



1

2 PROPOSED ELEVATION

Scale: 1/4" = 1'-0"



No.	Date	Issue Notes
1	00.00.00	Issue dwgs, etc.
2		
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Change of Name

Reviewed by  
Building Department  
For Zoning Board  
Of Appeals

Project Name  
**KENNEDY RESIDENCE**  
26 FOSTER ST  
MARBLEHEAD, MA 01945

Drawing Scale  
ZBA SUBMITTAL  
APRIL 8, 2022

Drawing Title  
**EXISTING  
GARAGE PLANS**

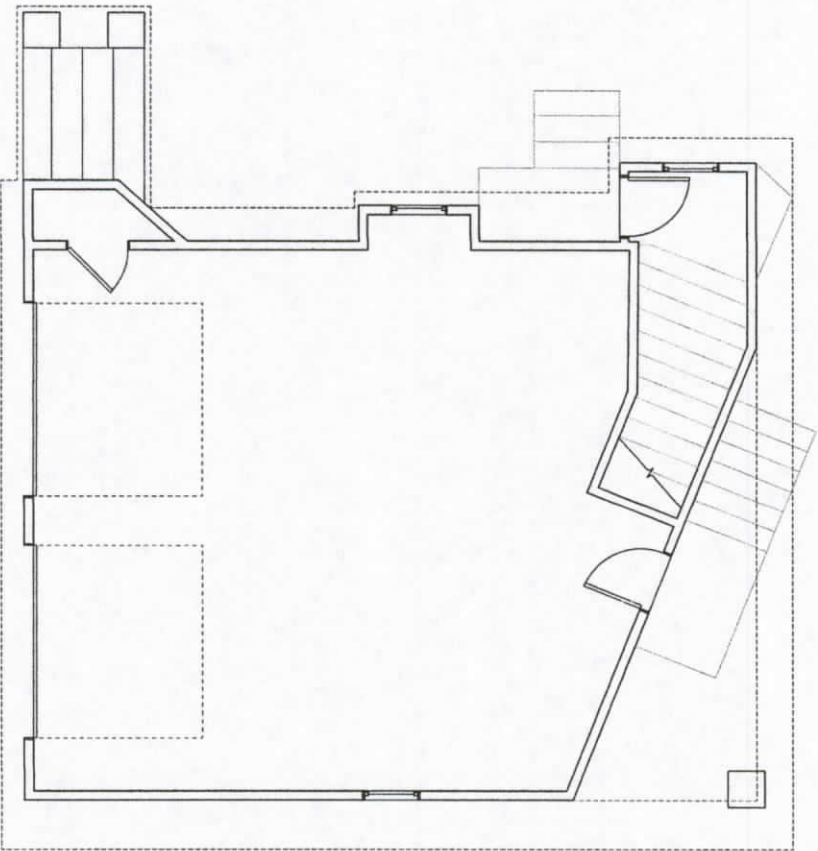
Project Number  
000718-01-000  
Drawing Number  
BTOD

Status  
AS NOTED

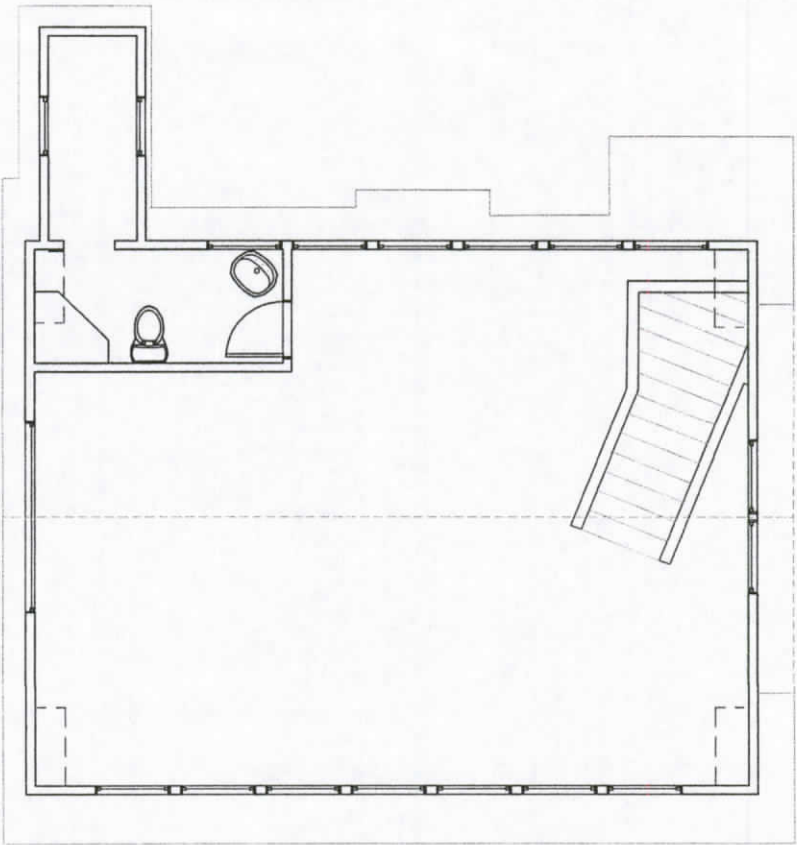
Drawn By  
BTOD

Date

A3.0



1 EXISTING GARAGE 1ST FLOOR  
Scale: 1/4" = 1'-0"



2 EXISTING GARAGE 2ND FLOOR  
Scale: 1/4" = 1'-0"

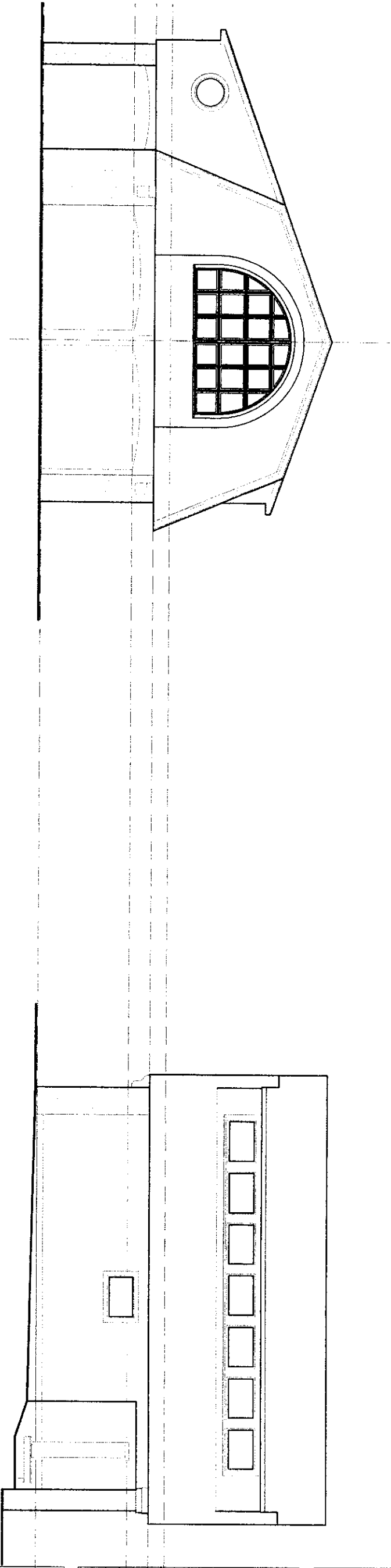




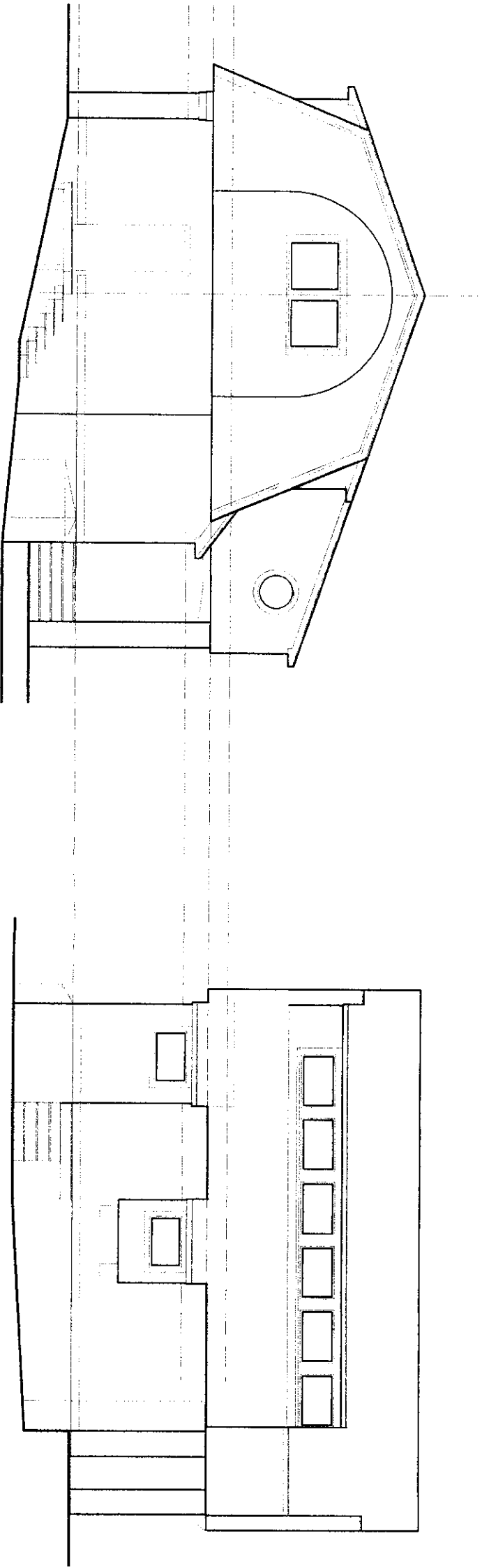
Essex, Massachusetts 978.319.5721  
ebben creek architects .com

No.	Date	Issue Notes
1	00.00.00	Issue: dwg.s etc.
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Sheet 2 of 2



1 EXISTING ELEVATIONS  
Scale: 1/4" = 1'-0"



2 EXISTING ELEVATIONS  
Scale: 1/4" = 1'-0"



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For Zoning Board  
Of Appeals

**KENNEDY RESIDENCE**  
26 FOSTER ST  
MARBLEHEAD, MA 01945

Drawn by: **ZBA SUBMITTAL**  
Date: **APRIL 8, 2022**

**EXISTING GARAGE**  
**EXTERIOR ELEVATIONS**

Project Number: **AS NOTED**

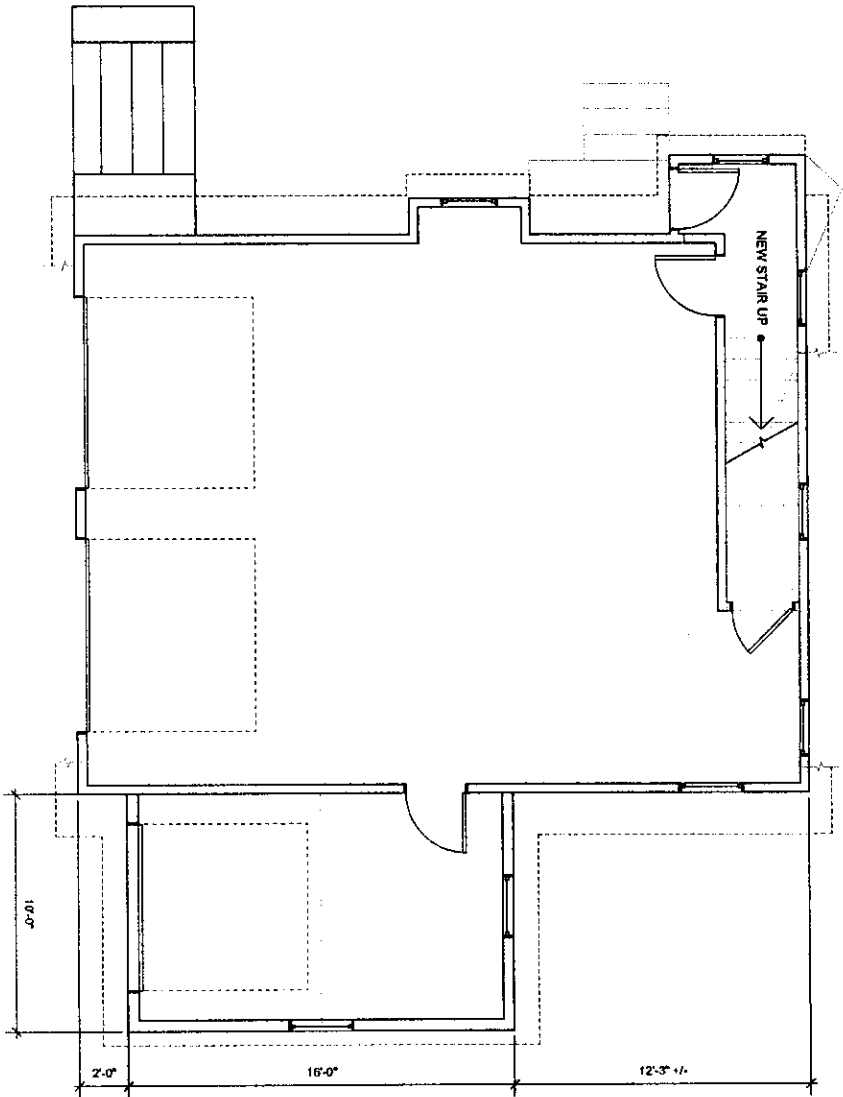
Drawn by: **BTOD**  
Date: **A3.1**

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Building Department  
For Zoning Board  
Of Appeals

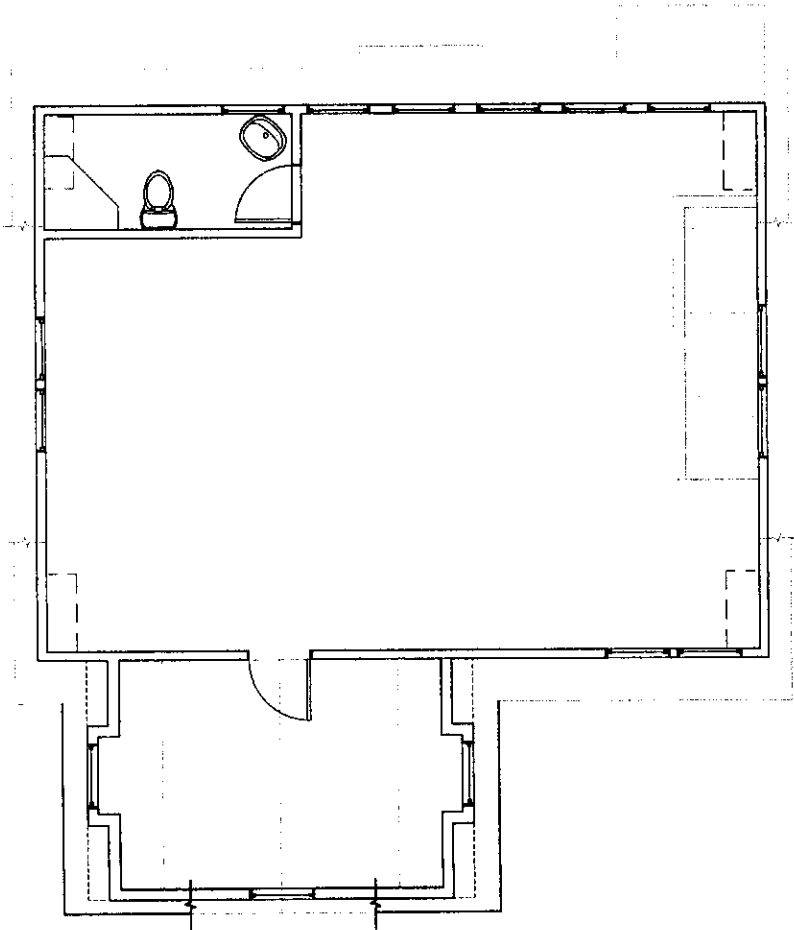
Reviewed by  
Building Department  
For Zoning Board  
Of Appeals

**KENNEDY RESIDENCE**  
26 FOSTER ST  
MARBLEHEAD, MA 01945

Drawing Name	ZBA SUBMITTAL		
Drawing Date	APRIL 8, 2022		
Project Name	PROPOSED GARAGE PLANS		
City & County	State	AS NOTED	
Drawn By	Drawn Number		
BDOD			
Scale	A3.2		



1 PROPOSED GARAGE 1ST FLOOR  
Scale: 1/4" = 1'-0"

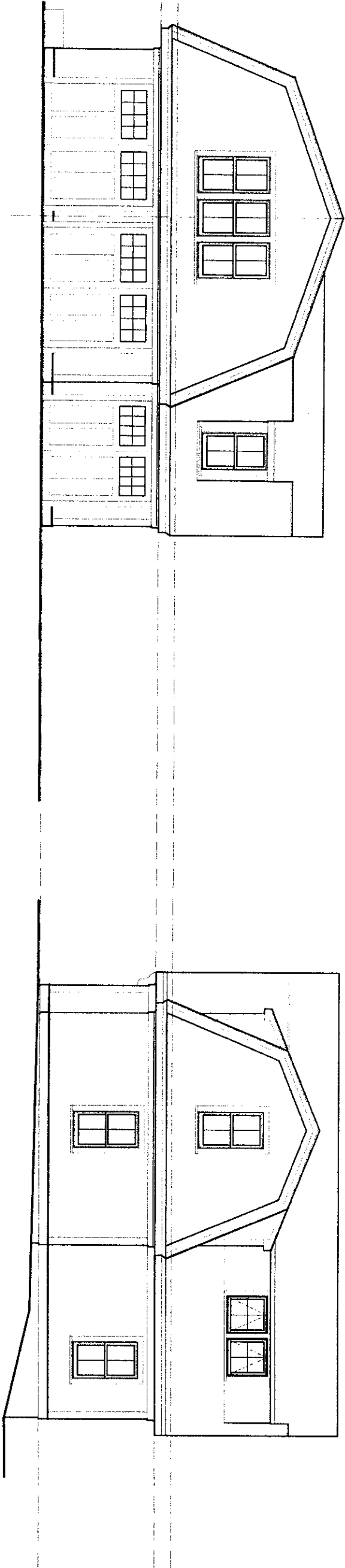


**2** **PROPOSED GARAGE 2ND FLOOR**  
Scale: 1/4" = 1'-0"

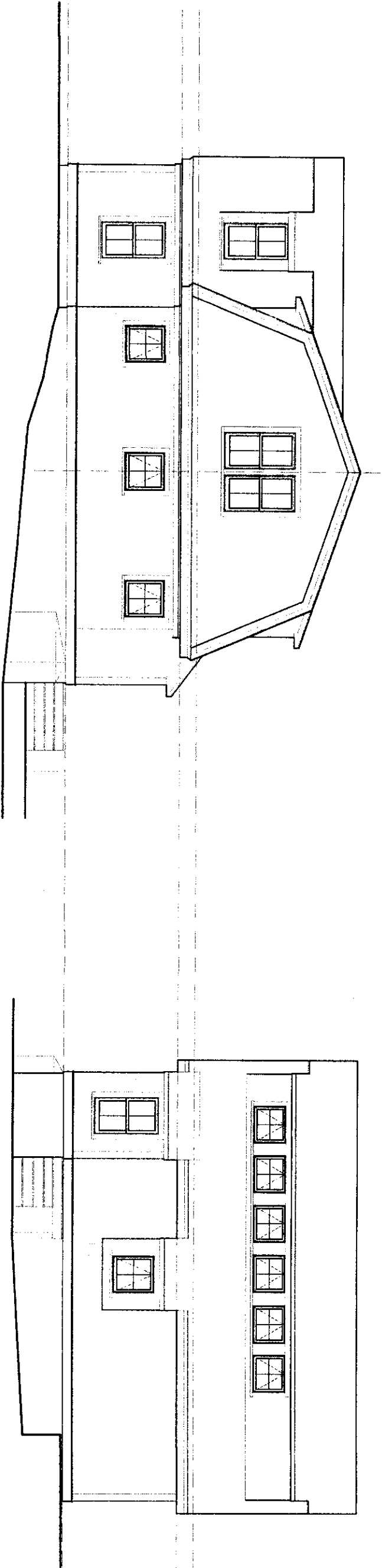


Essex, Massachusetts 978.319.5721  
ebbenecreekarchitects.com

No.	Date	Issue Notes
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1 PROPOSED ELEVATIONS  
Scale: 1/4" = 1'-0"



2 PROPOSED ELEVATIONS  
Scale: 1/4" = 1'-0"



Drawing Title	ZBA SUBMITTAL APRIL 8, 2022
Project Name	PROPOSED GARAGE EXTERIOR ELEVATIONS
Client Name	AS NOTED
Scale	BTOD
Sheet No.	A3.3

KENNEDY RESIDENCE  
26 FOSTER ST  
MARBLEHEAD, MA 01945

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For Zoning Board  
Of Appeals