



TOWN SEAL  
tel: 781-631-1529

fax: 781-631-2617

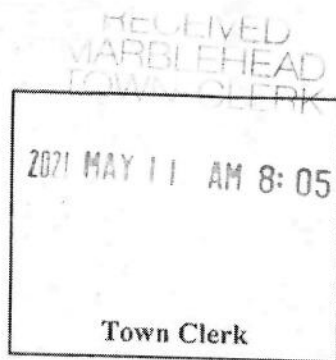
Revision Date: 12-02-20

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

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

## **ZBA APPLICATION**

PAGE 1 of 3



Project Address 17 PITMAN ROAD

Assessor Map(s) 154 Parcel Number(s) 30

Reviewed by  
Building Department  
For Zoning Board  
Of Appeals

### **OWNER INFORMATION**

Signature Graham H. Faris Stacey A. Faris date 5/10/21

Name (printed) Graham H. Faris Stacey A. Faris

Address 17 Pitman Rd. Marblehead, MA 01945

Phone Numbers: home 706.577.2795 / 5885 work \_\_\_\_\_

E-mail ghfaris@gmail.com fax \_\_\_\_\_

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

Signature \_\_\_\_\_ date \_\_\_\_\_

Name (printed) \_\_\_\_\_

Address \_\_\_\_\_

Phone Numbers: home \_\_\_\_\_ work \_\_\_\_\_

E-mail \_\_\_\_\_ fax \_\_\_\_\_

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

Amend prior special permit to allow for 0.49% increase  
in G.F.A. on a lot having less than required frontage  
and side-yard setbacks. No new dimensional  
non-conformities.

- 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) [Signature] 5/10/21
2. Town Clerk's stamp (upper right corner)

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

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

Project Address 17 PITMAN ROAD Map(s) / Parcel(s) 154/30

**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 DWELLING

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

Yes ☒ No ☐ (explain) \_\_\_\_\_

**PROPOSED CHANGE OF USE**

No ☒ Yes ☐ (explain) \_\_\_\_\_

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

**EXISTING 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)
- ☐ Rear Yard Setback - Less than required (Table 2)
- ☒ Side Yard Setback - Less than required (Table 2)
- ☐ Height - Exceeds maximum allowed (§200-7 and Table 2)
- ☐ 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)
- ☐ Rear Yard Setback - Less than required (Table 2)
- ☐ Side Yard Setback - Less than required (Table 2)
- ☐ Height - Exceeds maximum allowed (§200-7 and Table 2)
- ☐ 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 Non-conforming Building (§200-30.D)
- ☒ Other Non-conformities (explain) \_\_\_\_\_
- ☒ No New Dimensional Non-conformities

**ADDITIONAL HEARINGS REQUIRED**

Conservation Commission  
Historic District Commission  
Planning Board

Yes ☐ No ☒  
Yes ☐ No ☒  
Yes ☐ No ☒

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

Yes ☒ No ☐ (explain) \_\_\_\_\_

Building Official  Date 5-10-2021

Town of Marblehead  
**ZBA-APPLICATION**  
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Reviewed by  
Building Department  
For Zoning Board  
Of Appeals  
Revision Date: 12-02-2020

Project Address 17 PITMAN ROAD Map(s) / Parcel(s) 154/30

**NET OPEN AREA (NOA)**

|  | <u>EXISTING</u> | <u>PROPOSED</u> |
|--|-----------------|-----------------|
| Lot area = A   | <u>10101</u>    | <u>10101</u>    |
| Area of features   |                 |                 |
| footprint of accessory building(s)                               | <u>100</u>      | <u>100</u>      |
| footprint of building  | <u>1814</u>     | <u>1814</u>     |
| footprint of deck(s), porch(es), step(s), bulkhead(s)            | <u>100</u>      | <u>266</u>      |
| number of required parking spaces <u>2</u> x (9'x 18' per space) | <u>324</u>      | <u>324</u>      |
| area of pond(s), or tidal area(s) below MHW                      | <u>0</u>        | <u>0</u>        |
| other areas (explain) _____                                      | <u>0</u>        | <u>0</u>        |
| Sum of features = B  | <u>2338</u>     | <u>2504</u>     |
| Net Open Area (NOA) = (A - B)                                    | <u>7763</u>     | <u>7597</u>     |

**GROSS FLOOR AREA (GFA)**

|  |             |             |
|--|-------------|-------------|
| accessory structure(s)   | <u>100</u>  | <u>100</u>  |
| basement or cellar (area >5' in height)                        | <u>1499</u> | <u>1499</u> |
| 1st floor (12' or less in height) NOTE: [for heights exceeding | <u>1814</u> | <u>1814</u> |
| 2nd floor (12' or less in height) 12' see definition           | <u>1433</u> | <u>1457</u> |
| 3rd floor (12' or less in height) of STORY §200-7]             | <u>0</u>    | <u>0</u>    |
| 4th floor (12' or less in height)                              | <u>0</u>    | <u>0</u>    |
| attic (area >5' in height)                                     | <u>0</u>    | <u>0</u>    |
| area under deck (if >5' in height)                             | <u>0</u>    | <u>0</u>    |
| roofed porch(es)   | <u>35</u>   | <u>35</u>   |
| Gross Floor Area (GFA) = sum of the above areas                | <u>4881</u> | <u>4905</u> |

**Proposed total change in GFA** = (proposed GFA - existing GFA) = 24

**Percent change in GFA** = (proposed total change in GFA ÷ existing GFA) x 100 = 0.49 %

**Existing Open Area Ratio** = (existing NOA ÷ existing GFA) = 1.59

**Proposed Open Area Ratio** = (proposed NOA ÷ proposed GFA) = 1.55

This worksheet applies 1. plan by/dated X<sup>o</sup> SHORE SURVEY ~ APRIL 23, 2021  
to the following plan(s): 2. plan by/dated OFFICE OF COLLABORATIVE ARCH. ~ 5-6-2021  
3. plan by/dated " " " " ~ 8-4-2020

Building Official [Signature] Date 5-10-2021

4  
NE 83"

SO. ESSEX #71 Bk:39231 Pg:468  
11/30/2020 08:35 PERMIT Pg 1/4

This space reserved for the Registry of Deeds

**TOWN OF MARBLEHEAD  
AMENDED DECISION OF  
THE BOARD OF APPEALS**

on

**Application of  
Graham & Stacey Faris  
For a Special Permit  
For 17 Pitman Road  
Marblehead, MA**

Report of Facts, Findings, and Decision of the Board of Appeals on the petition of:

**Graham & Stacey Faris  
(the "Petitioner")**

Requesting to vary the application of the present Zoning By-law by allowing a Special Permit for the construction of an addition to an existing single family structure on a preexisting non-conforming property with less than the required frontage and side yard located at 17 Pitman Road in the Single Residence District. The new construction will be in the side yard setback and exceed the 10% expansion limit for non-conforming building.

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 8:00 PM during a ZOOM CONFERENCE MEETING, on August 25, 2020 Conferencing in accordance with the executive order of Governor Charles Baker, Commonwealth of Massachusetts. The Board Members present and sitting on the hearing were:

Acting Chairman: James Rudolph  
Members: William Barlow  
Benjamin LaBrecque  
Leon Drachman  
Bruce Krasker

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, 17 Pitman Road, Marblehead, Prepared for Graham & Stacey Faris", Dated July 2, 2020 by North Shore Survey corporation of Salem, MA scale 1"=20' (the "Plan")

Architectural Plans and Renderings prepared by Collaborative Architecture Inc. dated 07/20/2020 consisting of the following sheets:

- A000 Cover Sheet
- D100 Demolition Plan
- A100 Proposed Basement & First Floor Plan
- A101 Proposed Roof & Second Floor Plan
- A201 Proposed Elevations
- A300 Proposed Elevations (sections)

The petitioner Graham Faris explained that he and his wife Stacey are asking permission to build and addition go back from one car garage as an in-law suite on first floor and master bed with bathroom on the second floor. They're increasing structure over 10%. They will also upgrade windows and roof. They stated they spoke with neighbors - side and across the street and they were in favor of improvements. Nothing in writing was submitted.

After the Petitioner's presentation, the Board opened the hearing to the general public for comment. No one spoke in favor or opposition.

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; and
  - b. The specific site is an appropriate location for such use or building; and
  - c. The use as developed will not adversely affect the neighborhood; and,
  - d. There will be no nuisance or serious hazard to vehicles or pedestrians; and

- e. Adequate and appropriate facilities will be provided for the proper operation of the proposed use.

### Decision

Whereupon the Board, after discussion and comments that the project met the Special Permit criteria, voted: To grant an amendment to the 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.
- This Special Permit is issued on the condition that no Certificate of Occupancy shall be issued by the office of the Building Inspector if any of the construction 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.
- If the Petitioner shall exercise any rights of construction under a duly appealed Special Permit such rights shall be at the Petitioner's sole risk that a court will reverse the Special Permit and that any construction performed under the Special Permit may be ordered undone.
- There shall be no future alterations, changes or additions whatsoever, including additions of less than 10%, to any structure, or any new structure constructed or placed on the property, except pursuant to a Special Permit granted by the Board of Appeals.

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

|                  |                    |
|------------------|--------------------|
| Acting Chairman: | James Rudolph      |
| Members:         | Bruce Krasker      |
|                  | William Barlow     |
|                  | Benjamin LaBrecque |
|                  | Leon Drachman      |

BOARD OF APPEALS  
TOWN OF MARBLEHEAD

By: James Rudolph  
James Rudolph, Chairman

Decision filed with Town Clerk \_\_\_\_\_, on \_\_\_\_\_ at \_\_\_\_\_

I hereby certify that twenty days  
have elapsed since this decision has  
been filed in the office of the  
Town Clerk and no appeal has been  
filed.

Robin A. Michaud  
Robin A. Michaud  
Town Clerk-Marblehead

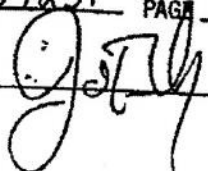
NOV 24 2020

2020 OCT -1 AM 8:37

RECEIVED  
TOWN CLERK  
MARBLEHEAD

COMMONWEALTH OF MASSACHUSETTS  
ESSEX REGISTRY OF DEEDS, SO. DIST., SALEM, MASS  
ESSEX SS 20

A TRUE COPY OF RECORD:

BOOK 39231 PAGE 468  
ATTEST  REGISTER



# FARIS RESIDENCE

17 PITMAN ROAD  
Marblehead, MA 01945  
May 6th, 2021

## OCA Project No. 2004 List of Architectural Drawings

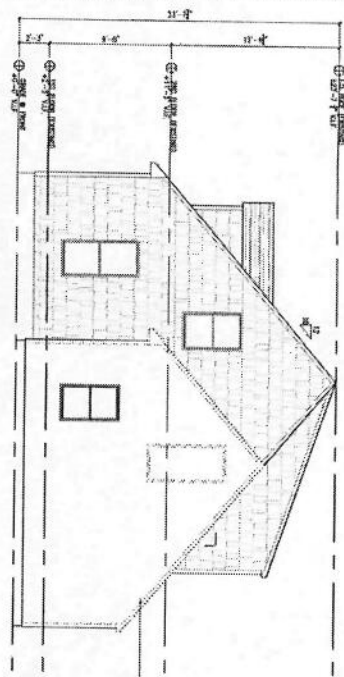
|            |                              |
|------------|------------------------------|
| A000       | COVER SHEET                  |
| A001       | GENERAL NOTES & SYMBOLS      |
| A002       | GENERAL NOTES CONT.          |
| PLANS      |                              |
| D100       | DEMOLITION PLANS             |
| A100       | FLOOR PLANS                  |
| A101       | FLOOR PLANS                  |
| A102       | FRAMING PLANS                |
| A103       | FRAMING PLANS                |
| A104       | CEILING PLANS                |
| A105       | CEILING PLANS                |
| ELEVATIONS |                              |
| A200       | EXISTING EXTERIOR ELEVATIONS |
| A201       | PROPOSED EXTERIOR ELEVATIONS |
| DETAILS    |                              |
| A300       | BUILDING SECTIONS            |

Reviewed by  
Building Department  
For Zoning Board  
Of Appeals

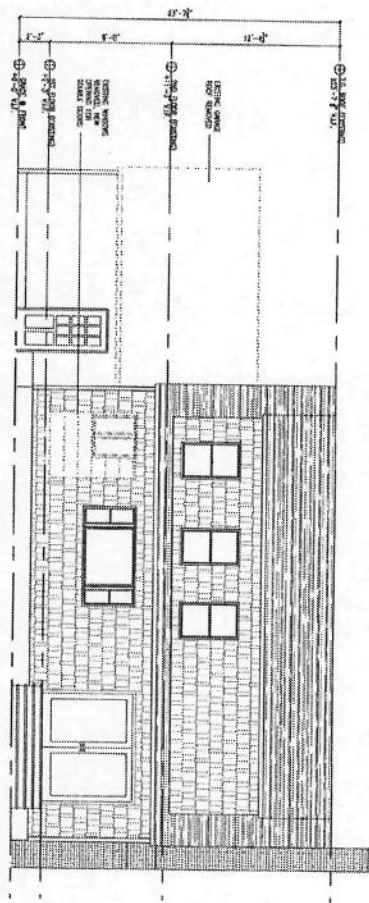


1 SITE AERIAL

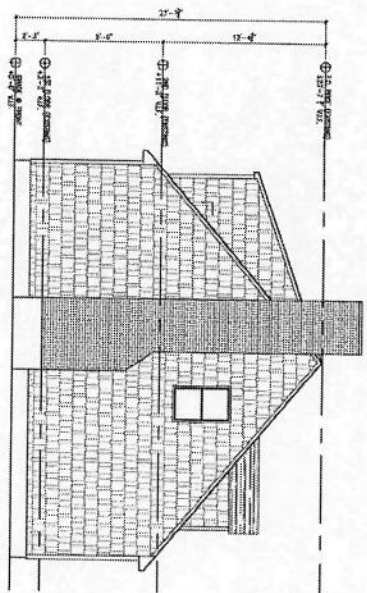
|   |  |   |
|---|--|---|
| COVER SHEET<br>Project No. 2004<br>Date: May 6th, 2021<br>Scale: N.T.S.   |  | FARIS RESIDENCE<br>17 Pitman Road<br>Marblehead, MA 01945 |
| Project Name: FARIS RESIDENCE<br>Project Address: 17 Pitman Road, Marblehead, MA 01945<br>Project Owner: FARIS RESIDENCE<br>Project Architect: FARIS RESIDENCE<br>Project Engineer: FARIS RESIDENCE<br>Project Designer: FARIS RESIDENCE<br>Project Draftsman: FARIS RESIDENCE<br>Project Checker: FARIS RESIDENCE<br>Project Approver: FARIS RESIDENCE |  | FARIS RESIDENCE<br>17 Pitman Road<br>Marblehead, MA 01945 |



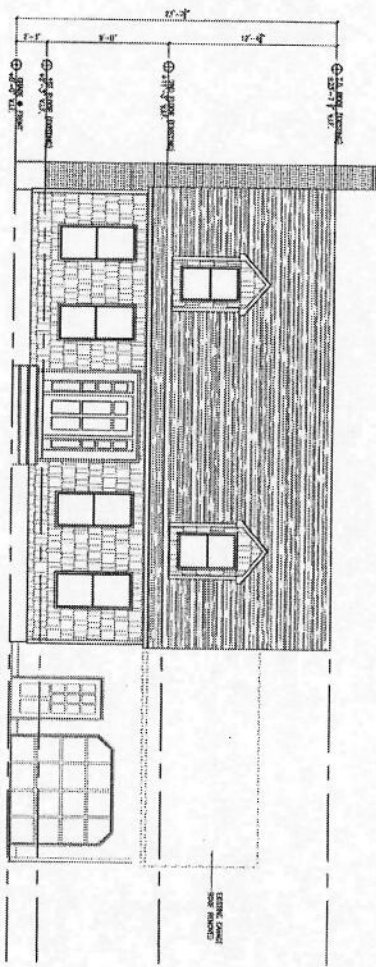
4 SIDE (EAST) ELEVATION  
Scale: 1/4" = 1'-0"



3 REAR (NORTH) ELEVATION  
Scale: 1/4" = 1'-0"



2 SIDE (WEST) ELEVATION  
Scale: 1/4" = 1'-0"



1 FRONT (SOUTH) ELEVATION  
Scale: 1/4" = 1'-0"

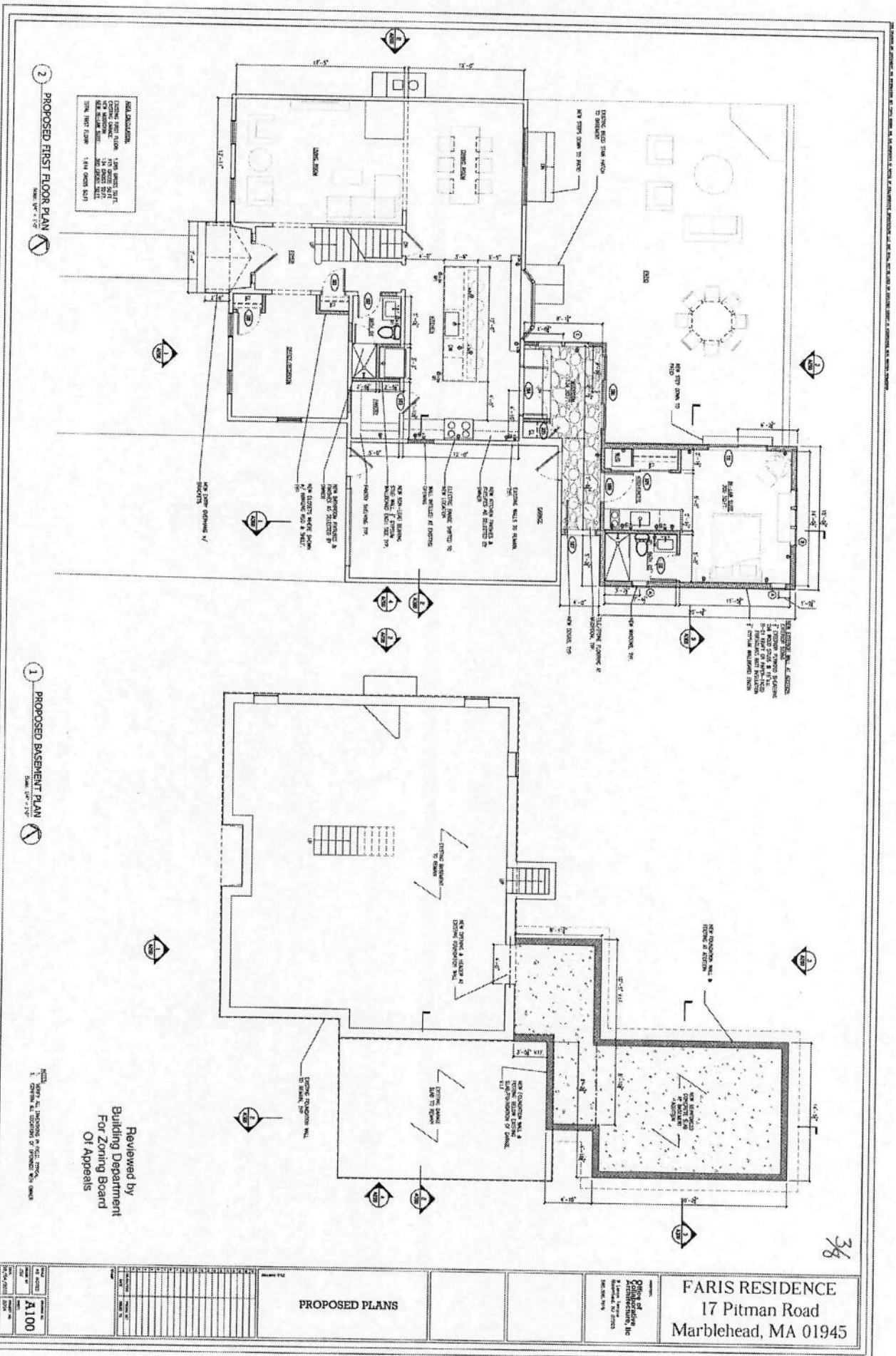
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ORIGINAL STRUCTURE

|   |  |                            |  |   |  |   |  |   |  |   |  |
|---|--|----------------------------|--|---|--|---|--|---|--|---|--|
| <p>DATE: 10/10/13<br/>BY: [Signature]<br/>PROJECT: A200</p> |  | <p>EXISTING ELEVATIONS</p> |  | <p>DATE: 10/10/13<br/>BY: [Signature]<br/>PROJECT: A200</p> |  | <p>DATE: 10/10/13<br/>BY: [Signature]<br/>PROJECT: A200</p> |  | <p>DATE: 10/10/13<br/>BY: [Signature]<br/>PROJECT: A200</p> |  | <p>DATE: 10/10/13<br/>BY: [Signature]<br/>PROJECT: A200</p> |  |
|---|--|----------------------------|--|---|--|---|--|---|--|---|--|

**FARIS RESIDENCE**  
17 Pitman Road  
Marblehead, MA 01945

DATE: 10/10/13  
BY: [Signature]  
PROJECT: A200



AS APPROVED 8-25-2020

Reviewed by  
Building Department  
For Zoning Board  
Of Appeals