

September 26, 2022

Town of Marblehead
Marblehead Zoning Board of Appeals
Engineering Department
7 Widger Road
Marblehead, MA 01945

RECEIVED
SEP 27 2022

Dear Board,

Please find this letter to request an extension to the special permit issued on November 23, 2021. Unfortunately, our family is not going to be able to start this project this year due to the increase in product cost from what we originally budgeted for. We are still interested to start the addition to our home next year, but we need more time to accommodate our finances to meet the budget proposed by some of the contractors interested to work with us.

We will appreciate your support with the extension with the hope to make the project come a reality next year.

Respectfully,



Christian Arrieta-Rodriguez

Chris.arrieta@gmail.com

3 Foss Terrace

Marblehead, MA 01970



Carrie-Arrieta

Csbombacho@gmail.com

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


SO. ESSEX #497 Bk: 40743 Pg: 123
02/22/2022 03:14 PERMIT Pg 1/4

**on
Application of
Christian Arrieta Rodriguez & Carrie Arrieta
For a Special Permit
For 3 Foss Terrace
Marblehead, MA**

**Report of Facts, Findings, and Decision of the Board of Appeals on the petition of:
Christian Arrieta Rodriguez & Carrie Arrieta
(the "Petitioner")**

Requesting a Special Permit under the Zoning By-Laws approving the addition to the existing townhouse dwelling on a nonconforming lot with less than the required, lot area, lot width, side yard setback and open area. The property is located at **3 Foss Terrace** in an **Unrestricted District**. The new construction will be within the sideyard setback, further reduce the open area and exceed the 10% expansion limits 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 due to COVID 19 restrictions, on September 28, 2021. The Board Members present and sitting on the hearing were:

| | |
|-----------|--------------------|
| Chairman: | William Moriarty |
| Members: | Bruce Krasker |
| | William Barlow |
| | Benjamin LaBrecque |
| | Leon Drachman |

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 3 Foss Terrace, Marblehead, Property of Christian Arrieta Rodriguez & Carrie Arrieta" dated 6/17/21, scale 1" = 10' prepared by North Shore Survey Corporation of Salem, MA (the "Plan")

Architectural Plans and Renderings entitled Arrieta Residence 3 Foss Terrace Marblehead, MA prepared by Bosworth Architect LLC dated 07/20/2021 scale as noted consisting of the following sheets:

| | | |
|-----|--|---|
| C | Cover | |
| EX1 | Existing Condition Floor Plans & Exterior Elevations | 1 |
| A1 | Proposed Floor Plans and ext. Elevations | |

The Petitioner's by their architect Craig Bosworth explained that this neighborhood has many multifamily buildings and a variety of housing styles. This property is a townhouse And the lot is small at only 2488 square. He presented a map showing which properties are in support and have signed a letter from abutting townhouse neighbor. The addition is for another bedroom lived on a third floor. They have lived in unit for six years and want to stay. There for 6 years and want to stay in neighborhood and are asking for a third floor addition

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

A Private letter agreement dated 9/13/21 between Paul Burns 5 Foss Terrace was read. Because three and Foss terrace are attached work will need to be performed on Mr. Burns Property which he agrees to with certain conditions. Robin Smith on behalf on Andy Smith 8 Foss Terrace across the street spoke in support. They feel the neighborhood has seen nice transformation former rentals are now owner occupied. Phyllis Smith 18 Hillside Terrace and Christian's mother-in-law stated they are in favor. Christine Cousineau 12 Hillside Terrace spoke in support the project

Board members discussed concerned about proposed construction and effect on open space. Mr. Barlow stated that after walking the site he feels what's being proposed is in character with neighborhood.

Thereafter, upon motion duly made and seconded, the Board voted all in favor 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; two 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 the unrestricted district; and
- c. The use as developed will not adversely affect the neighborhood; The addition is within existing building footprint and,
- d. There will be no nuisance or serious hazard to vehicles or pedestrians. There is existing adequate parking on the premises 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.
- 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:

| | |
|-----------|--------------------|
| Chairman: | William Moriarty |
| Members: | Bruce Krasker |
| | William Barlow |
| | Leon Drachman |
| | Benjamin LaBrecque |

BOARD OF APPEALS
TOWN OF MARBLEHEAD

By: 
William Moriarty, 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
Town Clerk-Marblehead**

FEB 17 2022

2022 FEB 23 PM 2:25

September 21, 2022

Town of Marblehead
Marblehead Zoning Board of Appeals
Engineering Department
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Carrie-Arrieta