



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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Town Clerk

Project Address 35 PICKWICK ROAD

Assessor Map(s) 30 Parcel Number(s) 41

OWNER INFORMATION

Signature Shana Smith date 6/14/22

Name (printed) Shana Smith

Address 35 Pickwick Rd Marblehead, MA 01945

Phone Numbers: home 781-771-3990 work _____

E-mail smazy@comcast.net 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)

SEE ATTACHED

- 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]

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

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

Reviewed by
Building Department
Zoning Board
6-15-22

Town of Marblehead
ZBA-APPLICATION

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Revision Date: 12-02-2020

Project Address 35 PICKWICK RD. Map(s) / Parcel(s) 30/41

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	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Historic District Commission	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Planning Board	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

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

Yes ☒ No ☐ (explain) _____

Building Official  Date 6-15-2022

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

Project Address 35 PICKWICK RD.

Map(s) / Parcel(s) 30 / 41

NET OPEN AREA (NOA)

Lot area = A

EXISTING

PROPOSED

5360 #

5360 #

Area of features

footprint of accessory building(s)

0

0

footprint of building

1149

1305

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

140

145

number of required parking spaces 2 x (9' x 18' per space)

360

360

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

0

0

other areas (explain) _____

0

0

Sum of features = B

1649 #

1830 #

Net Open Area (NOA) = (A - B)

3711 #

3530 #

GROSS FLOOR AREA (GFA)

accessory structure(s)

0

0

basement or cellar (area > 5' in height)

807

807

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

1149

1305

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

567

1002

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

0

0

4th floor (12' or less in height)

0

0

attic (area > 5' in height)

0

0

area under deck (if > 5' in height)

0

0

roofed porch(es)

126

142

Gross Floor Area (GFA) = sum of the above areas

2649 #

3256 #

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

+607 #

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

22.9 %

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

1.40

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

1.08

This worksheet applies 1. plan by/dated 6/14/22 TAPROOT DESIGN, INC
 to the following plan(s): 2. plan by/dated 6/14/22 NORTH SHORE STREET
 3. plan by/dated _____

Building Official _____

Date 6-15-22

Reviewed by
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 For Zoning Board
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ZONING BOARD OF APPEALS

Applicant: Matthew & Shana Smith

Address: 35 Pickwick Road (Map 30, Parcel 41)

District: Single Residence

Relief: A Special Permit to construct a two-story addition to an existing single family dwelling that currently exceeds the right side yard setback by 8.0' +/- . The lot has less than the required lot area and width.

The addition includes the construction of a two-story addition that will exceed the right setback by 9' +/- and the rear setback by 2' +/- .

With a net increase of 607 sf, the proposed structure would increase the overall GFA by 22.9% and decrease the Open Area Ratio from 1.40 to 1.08.

Proposal: The proposal before the board is to remove the existing single-story garage and mudroom and to construct a new, slightly larger, single-car garage and mudroom with new primary bedroom and closets above.

Reviewed by
Building Department
For Zoning Board
Of Appeals

NK
2

DP/2

**TOWN OF MARBLEHEAD
BOARD OF APPEALS**

**Application of Matthew Smith and Shana Smith
for a Special Permit pursuant to § 200-36.A
with respect to the property located at
35 Pickwick Road
Assessors Map No. 30, Parcel 41**

Reviewed by
Building Department
For Zoning Board
Of Appeals

Pursuant to notice mailed, postage prepaid, to the petitioners, abutters, and persons to whom such notice is required to be given, and pursuant to advertisements in *The Marblehead Reporter* on **May 7 and May 14 of 2015**, the Board of Appeals held a scheduled hearing at the Selectmen's Room at Abbot Hall, Marblehead, Massachusetts on **May, 26, 2015** on or after 8:15 P.M.

Sitting for the Board of Appeals during all hearings were members Tubridy, Drachman, Barlow, Lipkind, and Chairman Moriarty.

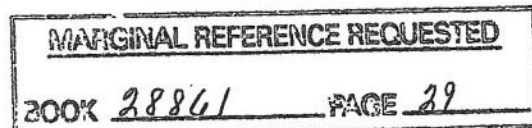
Designer Veronica Hobson appeared together with the Applicant with plans drawn by Taproot Design, Inc. dated April 20, 2015 in addition to a plot plan drawn by North Shore Survey Corporation, dated February 23, 2015 (the "Plans"). The Applicant seeks a Special Permit to construct a porch addition to the front of the home, add a 4' - 0" extension toward the rear, fill in an existing covered porch and construct two shed dormers at the second floor/attic level. The addition will exceed the right side yard setback by six feet, more or less, but will otherwise conform to other dimensional requirements. The property is located in the Single Residence District.

No one spoke in opposition to the application.

Based on the above factors, the Board made the necessary findings as set forth in Section 200-36.B of the By-Laws as most recently amended, to wit: That the granting of the application will be consistent with the general purpose and intent of the Bylaw; that the specific site is an appropriate location for the construction; the new construction will not adversely affect the neighborhood; that there will be no nuisance or serious hazard to vehicles or pedestrians resulting from the construction of the building; and that adequate and appropriate facilities will be provided for the proper operation of the building.

The Board voted unanimously as follows:

Mr. Tubridy—Yes
Mr. Drachman—Yes



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.

Mr. Moriarty—Yes
Mr. Lipkind—Yes
Mr. Barlow—Yes

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

JUL 14 2015

The Special Permit is granted, but only upon the following conditions:

1. The project shall be built as shown and in strict conformance with the plans approved by the Board, including the survey plan all of which were date-stamped by this Board on April 22, 2015.
2. There shall be no further reduction in open space, except pursuant to a Special Permit from the Board.
3. There shall be no additions to the building or any other structures or buildings placed on the lot except pursuant to a Special Permit from the Board.
4. 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 drawings approved and stamped by the Board of Appeals by that vote, or which is inconsistent with this decision and these conditions, without the applicant obtaining prior written approval from the Board of Appeals for such construction. Additionally, no demolition, building or occupancy permit, whether temporary, conditional or permanent, shall issue for any work on the premises unless and until a copy of this two (2) page decision in its entirety, bearing the certification of the Town Clerk that 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 the appeal has been filed within such time, has been recorded in the Essex South Registry of Deeds an indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title. The person exercising rights under a duly appealed special permit does so at risk that a court will reverse the permit and that any construction performed under the permit may be ordered undone.

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2015 JUN 22 AM 11:14

BOARD OF APPEALS
TOWN OF MARBLEHEAD

Reviewed by
Building Department
For Zoning Board
Of Appeals

By: *William Moriarty*
William Moriarty, Chairman

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Filed with Town Clerk _____ on _____ at _____