



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


2021 SEP 17 AM 11:48

Town Clerk

Project Address 51 Bubier Road, Marblehead, MA 01945

Assessor Map(s) 95 Parcel Number(s) 3 - 0

### OWNER INFORMATION

Signature  date September 16, 2021


Name (printed) Kathleen Esker Hellmann, Trustee

Address 51 Bubier Road, Marblehead, MA 01945

Phone Numbers: home 513-325-4936 work

E-mail kmehellmann@gmail.com fax - -

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

Signature  date September 16, 2021

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)

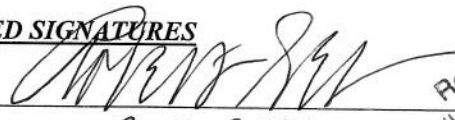
SEE ATTACHED DESCRIPTION

- 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)

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

  
9-17-2021

Reviewed by  
Building Department  
For Zoning Board  
Of Appeals

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

**PROJECT DESCRIPTION & RELIEF REQUESTED**

51 Bubier Road, Marblehead, MA 01945  
Kathleen Esker Hellmann, Trustee

The Applicant requests that the Zoning Board of Appeals issue a Special Permit under the Zoning By-Laws allowing the construction of a garage and associated connector addition to the pre-existing nonconforming single-family dwelling which has less than the required Front Yard Set Back and Side Yard Set Back on a conforming Lot with a pre-existing non-conforming shed on the property located at **51 BUBIER ROAD** in a **SINGLE RESIDENCE DISTRICT**. The construction will be partially in the Front Yard Set Back to Wallace Road and will increase the Gross Square footage by more than ten (10%) Percent. The property has no Rear Yard as it fronts on two streets (Bubier Road and Wallace Road). The applicant also requests a Special Permit to maintain the shed.

Reviewed by  
Building Department  
For Zoning Board  
Of Appeals

**Project Address** 51 Bubier Road, Marblehead, MA 01945 **Map(s)/Parcel(s)** 95 / 3 - 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)

\_\_\_\_\_ **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)

**X Front Yard Setback** – Less than required (Table 2)

**Rear Yard Setback** - Less than required (Table 2)

**X 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)

**X 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)

**X** Exceeds 10% Expansion Limits for Nonconforming Building (§200-30.D)

**Other Non-conformities (explain)**

### No Existing Dimensional Non-Conformities

### ***ADDITIONAL HEARINGS REQUIRED***

	Yes	No	X
Conservation Commission			

	Yes	No	X
Historic District Commission			

Planning Board	Yes	No	X
----------------	-----	----	---

Reviewed by  
Building Department  
For Zoning Board  
Of Appeals

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

**Yes**   X   **No** (explain)

### Building Official

Date 9-17-2021

**ZBA-APPLICATION**

Page 3 of 3

Revision Date: 12-02-2020

Project Address 51 Bubier Road, Marblehead, MA 01945 Map(s)/Parcel(s) 95 / 3 - 0**NET OPEN AREA (NOA)****EXISTING****PROPOSED**

Lot area = A	<u>10,138</u>	<u>10,138</u>
Area of features		
footprint of accessory building(s)	<u>80</u>	<u>80</u>
footprint of building	<u>1,264</u>	<u>1,919</u>
footprint of deck(s), porch(es), step(s), bulkhead(s)	<u>60</u>	<u>105</u>
number of required parking spaces <u>2</u> x (9'x18' 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>1,728</u>	<u>2428</u>
Net Open Area (NOA) = (A - B)	<u>8,410</u>	<u>7,710</u>

**GROSS FLOOR AREA (GFA)**

accessory structure(s)	<u>80</u>	<u>80</u>
basement or cellar (area >5' in height)	<u>1,264</u>	<u>1,264</u>
1st floor (12' or less in height) NOTE:[for heights exceeding	<u>1,264</u>	<u>1,919</u>
2nd floor (12' or less in height) 12' see definition	<u>918</u>	<u>1,206</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>3,561</u>	<u>4,504</u>

**Proposed total change in GFA** = (proposed GFA - existing GFA) = 943**Percent change in GFA** = (proposed total change in GFA ÷ existing GFA) = 26.5 %**Existing Open Area Ratio** = (existing NOA ÷ existing GFA) = 2.36**Proposed Open Area Ratio** = (proposed NOA ÷ proposed GFA) = 1.71This worksheet applies 1. plan by/dated North Shore Survey / September 7, 2021to the following plan(s): 2. plan by/dated Nilsson and Siden Architects / September 14, 2021

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

Building Official  Date 9-17-2021Reviewed by  
Building Department  
For Zoning Board  
Of Appeals