



TOWN SEAL
tel: 781-631-1529

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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 JUL 12 PM 1:04

Town Clerk

Project Address 24 Lee Street – Building D, Marblehead, MA 01945

Assessor Map(s) 132 Parcel Number(s) 76

OWNER INFORMATION

Signature  date July , 2021

Name (printed) Harborside Condominium Trust – c/o David Gold, Trustee

Address 24 Lee Street, Unit 3C, Marblehead, MA 01945

Phone Numbers: home - - work 617-800-3797

E-mail david.gold.48@gmail.com fax - -

APPLICANT or REPRESENTATIVE INFORMATION (if different from owner)

Signature  date July , 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)  7/12/21

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

Reviewed by
Building Department
For Zoning Board
Of Appeals

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

PROJECT DESCRIPTION & RELIEF REQUESTED

24 Lee Street – Building D
Marblehead, MA

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Building Department
For Zoning Board
Of Appeals

R. Ives 7/12/21

The applicant requests that the Zoning Board of Appeals issue and grant a Variance, a Finding under the provisions of M.G.L. c. 40A, § 6 and/or Special Permits under the Zoning By-Laws approving general renovations and specific construction set forth below portions of which have been determined by the Fire Chief to be unfit, unacceptable for use with repairs required for health and safety and which will be constructed so as to materially comply with current Building Code requirements, and other modifications thereto, on the property located at 24 Lee Street – Building D, in the **HARBORFRONT AND SHORELINE CENTRAL RESIDENCE ZONING DISTRICT**. The use on the property (23 residential condominium units) is a non-conforming use with multiple dwellings on one Lot. There are four (4) buildings which in part do not meet the Rear Yard Set Back, the Side Yard Set Back, the Maximum Height, the Minimum Open Space and the Parking requirements. The work proposed includes, without limitation:

1. New Egress Stair: Removal of an existing wood framed 3 story stair and replacement with a new 2 story stair and railings.
2. Reconstructed deck: Removal of an existing wood framed deck and replacement with a new wood framed deck.
3. Supplemental structural framing of existing balconies at the first and second floors facing the ocean.
4. Replacement of all handrails with new cable railing to match Building B
5. Replacement of all decking material with new Trex material to match other recent renovations and Replacement of siding and trim with new Hardi Siding and Azek trim to match other recent renovations.
6. Installation of new egress lighting along egress routes. Lighting will be building mounted.
7. Expansion of existing roof deck and railings at third floor.
8. Removal of portion of third floor balcony and replacement with pergola elements.
9. Relocation of HVAC units on the third floor roof deck
10. Installation of egress bridge to connect third floor roof deck to egress stair in rear
11. Installation of new windows resulting from new egress stair

The new nonconformities will be construction in the Side Yard Set Back and the Rear Yard Set Back in order to accommodate the new access and egress for fire and safety purposes.

The project and proposed work have been approved by the Marblehead Conservation Commission and the Marblehead Old and Historic Districts Commission.

Upon completion the GFA will be reduced by 214 square feet and the Open Space Ratio will remain materially unchanged.

Given the size and complexities of the Lot, the Applicant requests a waiver of the Survey Requirements and the use of a Survey consistent with that which was accepted by the Board for the work on Building B when the fire repairs and renovations were completed.

Project Address 24 Lee Street – Building D, Marblehead, MA 01945 Map(s)/Parcel(s) 132 - 76

ZONING DISTRICT (circle all that apply)

B B1 BR CR SCR ECR GR SGR SR SSR ESR SESR HBR U SU

CURRENT USE (explain) Multi-Dwellings – Condominium Ownership

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

Yes No X (explain) Multiple-Dwellings and Principal Structures on one Lot

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)
☐ 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)
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☐ 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 Nonconforming Building (§200-30.D)
☐ Other Non-conformities (explain)
☐ No New Dimensional Non-Conformities

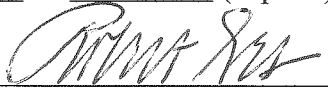
ADDITIONAL HEARINGS REQUIRED

Conservation Commission Yes X No
Historic District Commission Yes X No
Planning Board Yes No X

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

Yes No X (explain) Partial Survey only – Waiver Requested

Building Official  Date 7/12/21

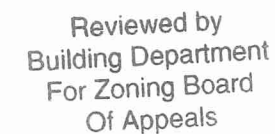
Project Address 24 Lee Street – Building D, Marblehead, MA 01945 Map(s)/Parcel(s) 132 - 76**NET OPEN AREA (NOA)****EXISTING****PROPOSED**

Lot area = A	<u>31,000</u>	<u>31,000</u>
Area of features		
footprint of accessory building(s)	<u>112</u>	<u>112</u>
footprint of building	<u>12,016</u>	<u>12,016</u>
footprint of deck(s), porch(es), step(s), bulkhead(s)	<u>1,390</u>	<u>1,385</u>
number of required parking spaces <u>48</u> x (9'x18' per space)	<u>7,776</u>	<u>7,776</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>21,294</u>	<u>21,289</u>
Net Open Area (NOA) = (A –B)	<u>9.706</u>	<u>9.711</u>

GROSS FLOOR AREA (GFA)

accessory structure(s)	<u>112</u>	<u>112</u>
basement or cellar (area >5' in height)	<u>1,433</u>	<u>1,433</u>
1st floor (12' or less in height) NOTE:[for heights exceeding	<u>10,010</u>	<u>10,010</u>
2nd floor (12' or less in height) 12' see definition	<u>9,867</u>	<u>9,867</u>
3rd floor (12' or less in height) of STORY §200-7]	<u>8,189</u>	<u>8,189</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>2,122</u>	<u>1,908</u>
roofed porch(es)	<u>0</u>	<u>0</u>
Gross Floor Area (GFA) = sum of the above areas	<u>31,733</u>	<u>31,519</u>

Proposed total change in GFA = (proposed GFA – existing GFA) = -214**Percent change in GFA** = (proposed total change in GFA ÷ existing GFA) x 100 = -.67% %**Existing Open Area Ratio** = (existing NOA ÷ existing GFA) = 0.31**Proposed Open Area Ratio** = (proposed NOA ÷ proposed GFA) = 0.31This worksheet applies 1. plan by/dated Hayes Engineeringto the following plan(s): 2. plan by/dated Tucker Architecture dated December 9, 20203. plan by/dated Reviewed by
Building Department
For Zoning Board
Of AppealsBuilding Official  Date 7/12/21

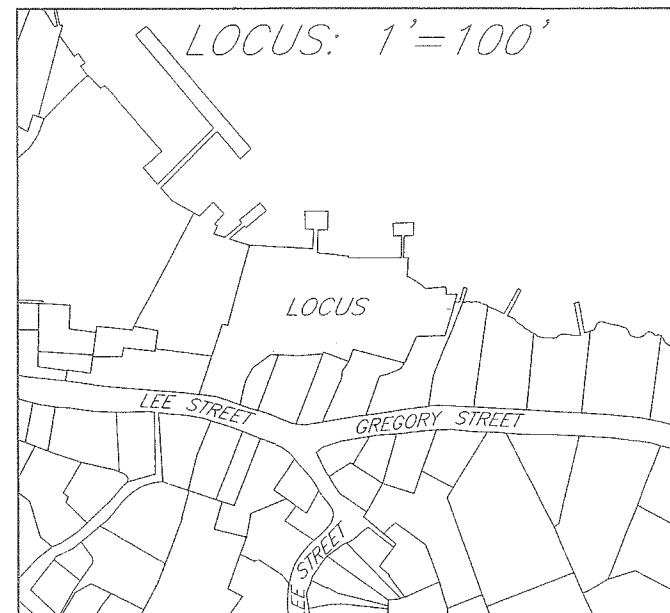


BRILLIANT

X. EXTENT OF 3rd FLOOR

X. EXTENT OF 3rd FLOOR

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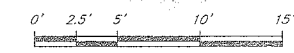


Proposed Plan of Land in MARBLEHEAD, MASS.

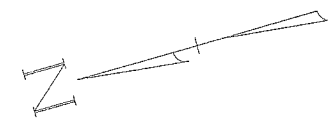
Hayes Engineering, Inc.
Civil Engineers & Land Surveyors
603 Salem Street
Wakefield, MA 01880

Telephone: 781.246.2800
Facsimile: 781.246.7596
www.hayeseng.com

Scale: 1" = 5'

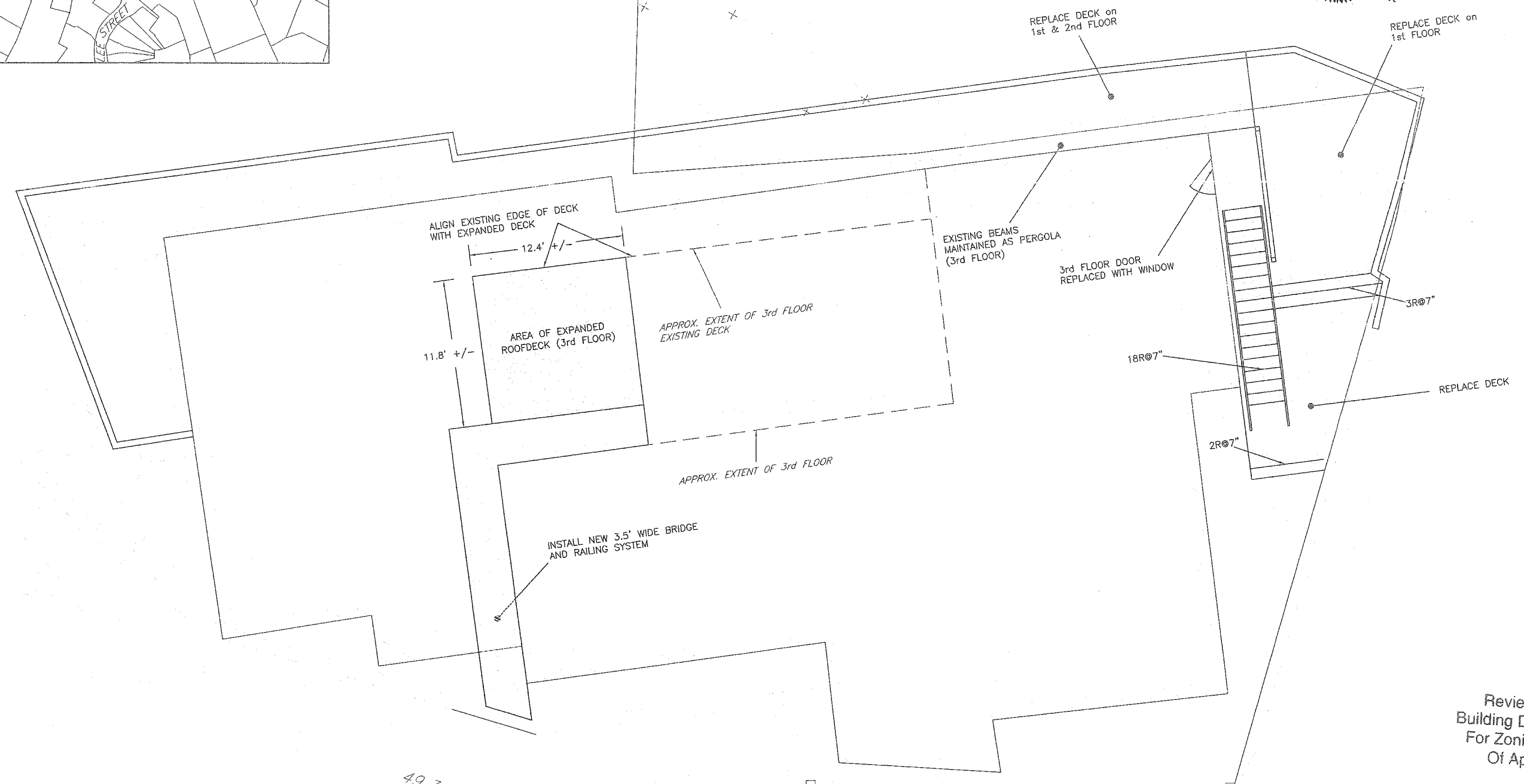


June 17, 2021

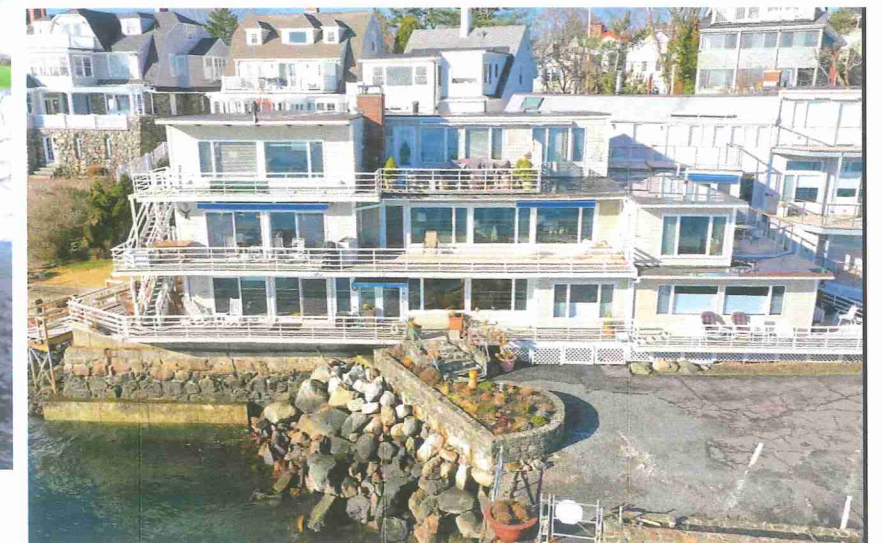
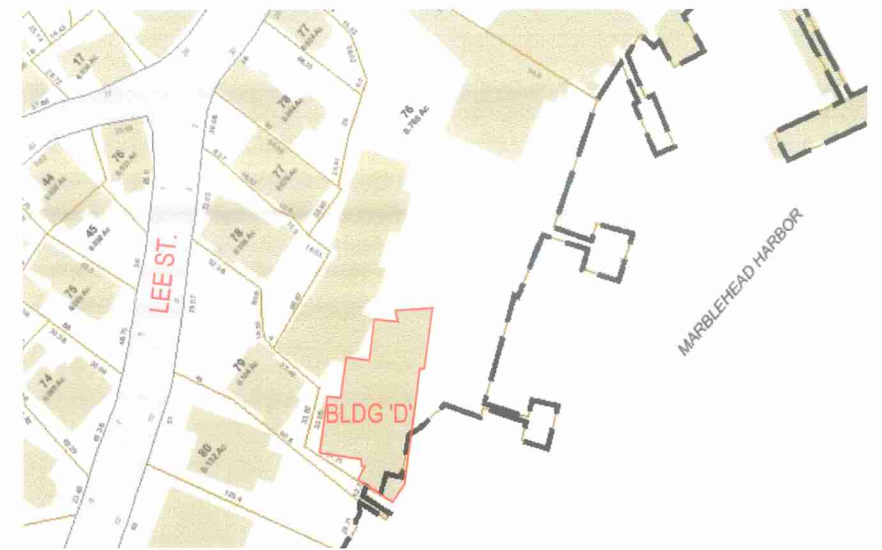


NOTE:

FOR EXTENT, MEANS & METHODS OF DEMOLITION AND CONSTRUCTION, REFER TO
"NOT FOR CONSTRUCTION PLAN" DATED 11/28/2020 BY TUCKER ARCHITECTURE &
LANDSCAPE.



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T U C K E R
 Architecture & Landscape
 59 Atlantic Avenue, Marblehead, MA
 www.TuckerArch.com
 (781) 631-3546
 Tucker Architecture and Landscape LLC

24 Lee Street BLDG 'D'
 Marblehead, MA

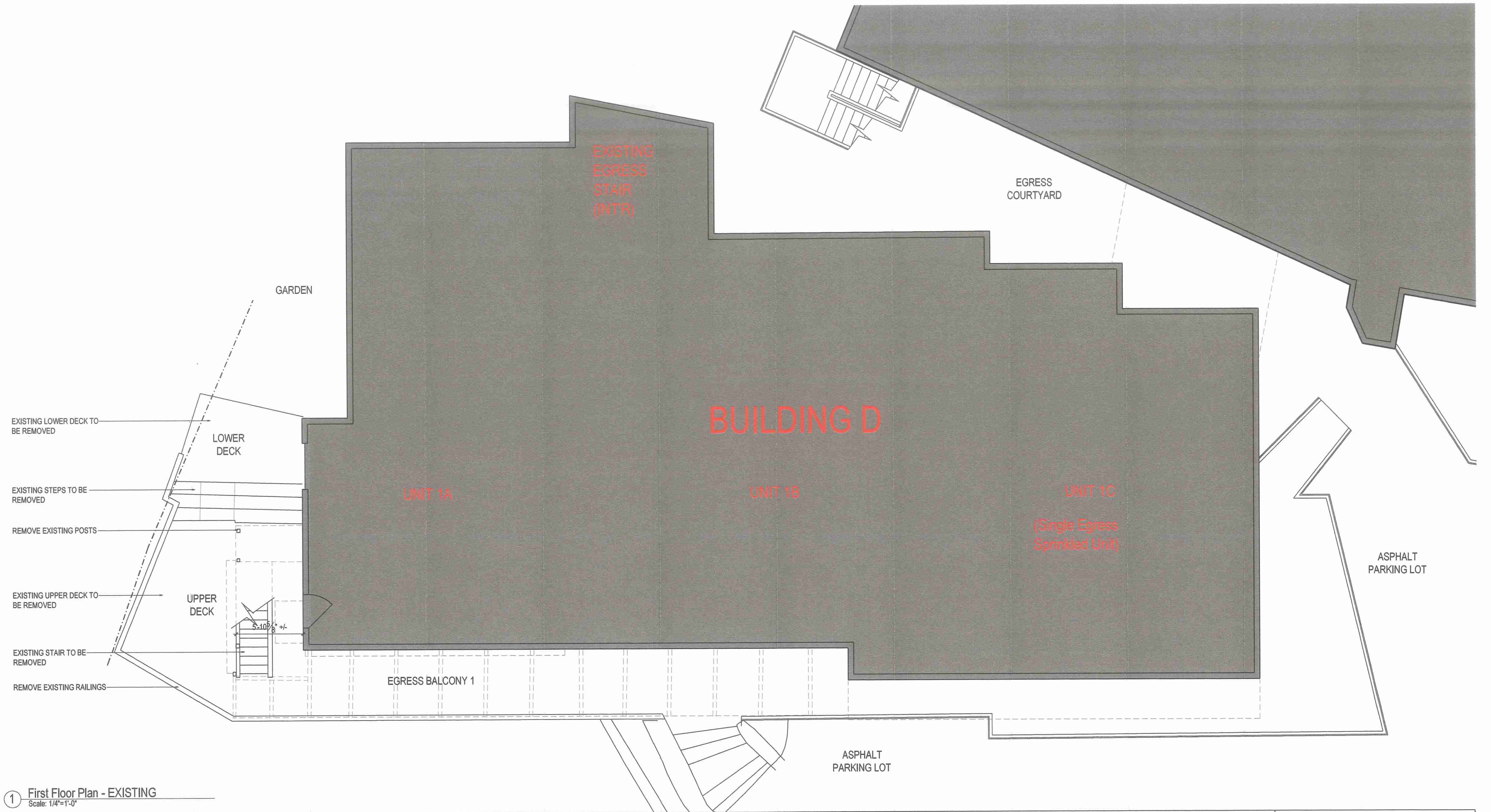
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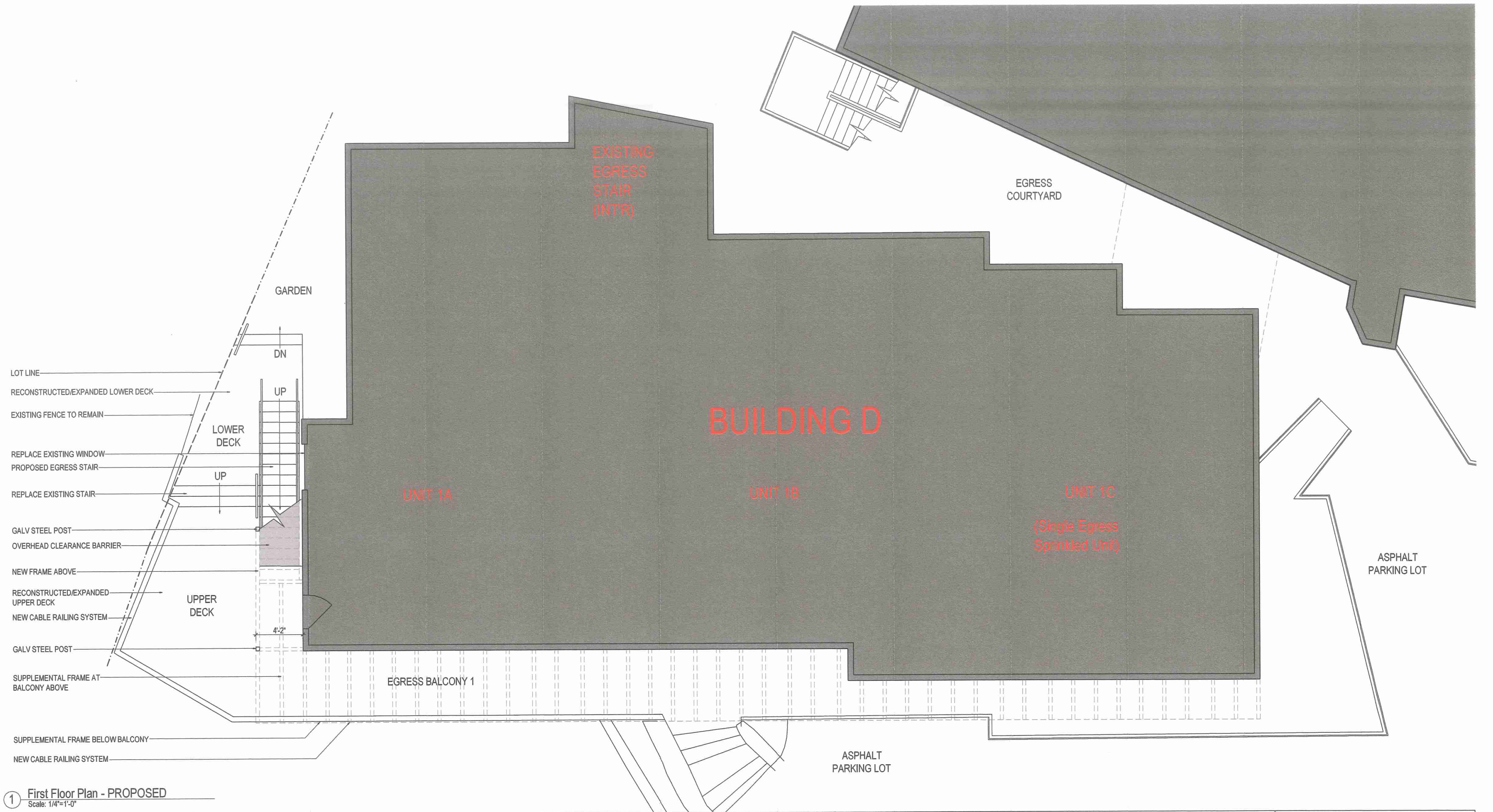
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Cover

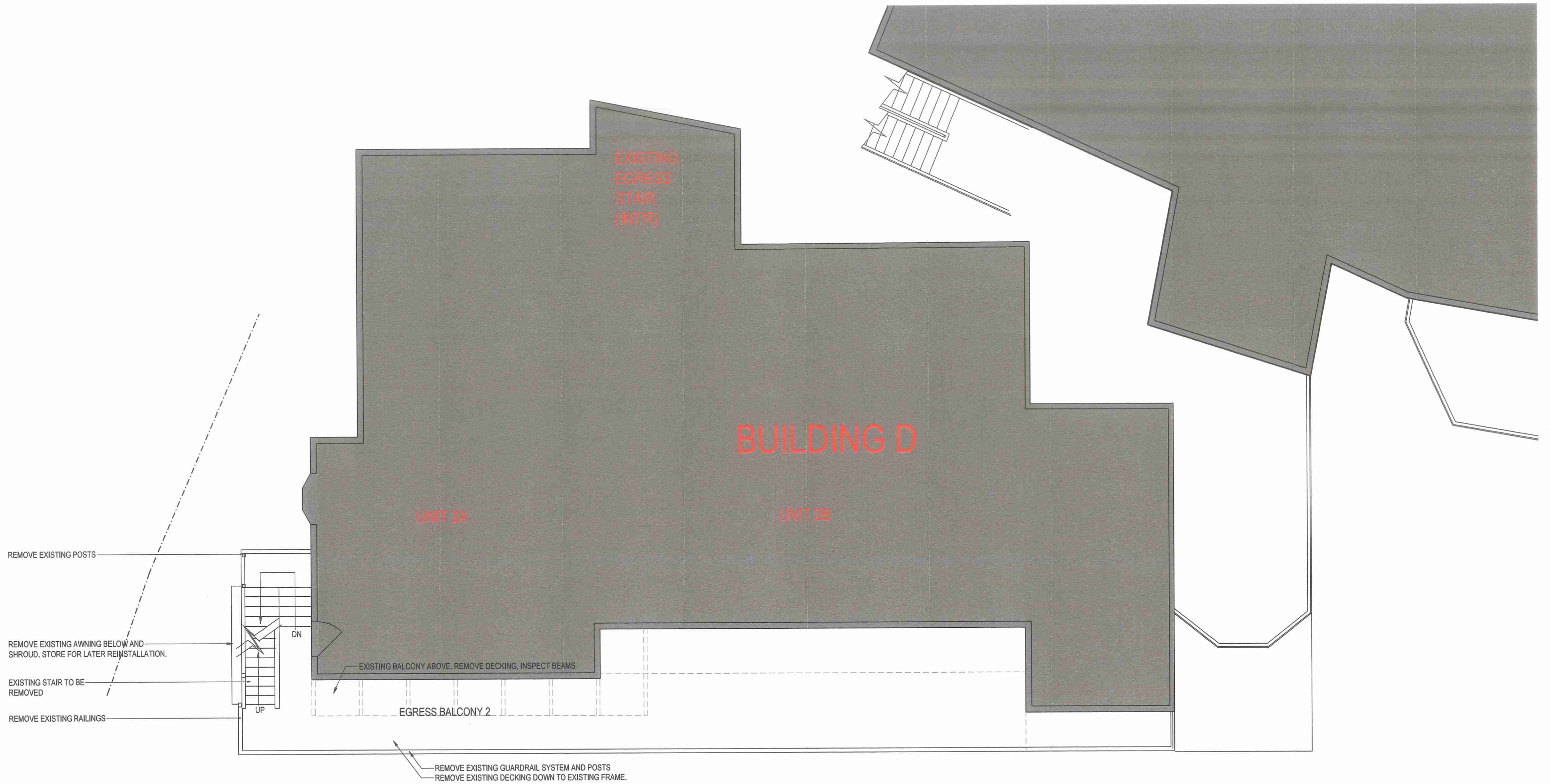
NOTE: ORIGINAL DRAWING SET TO 24X36 FULL SCALE
 0 1' 2' 3'

PAGE NO.
CVR

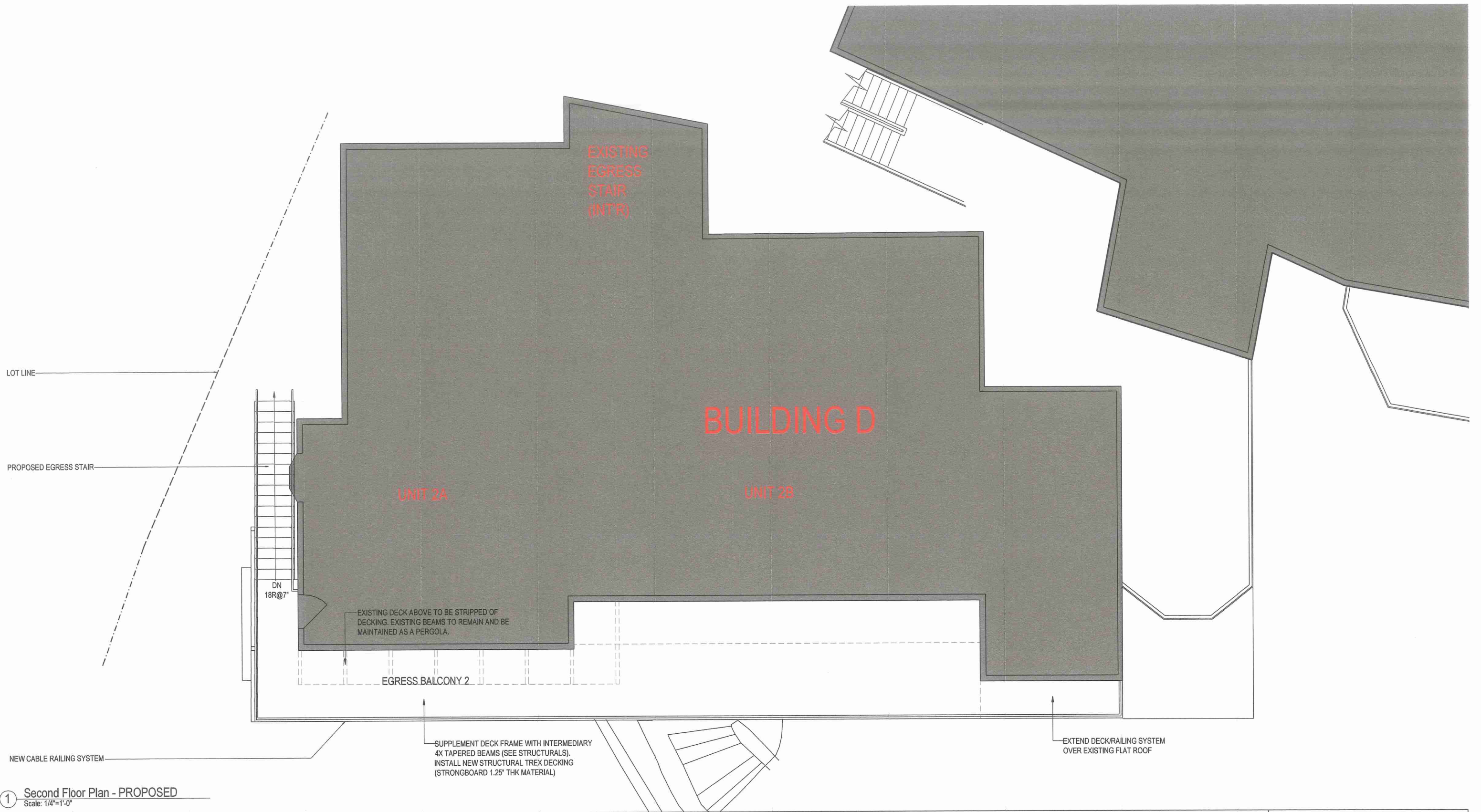




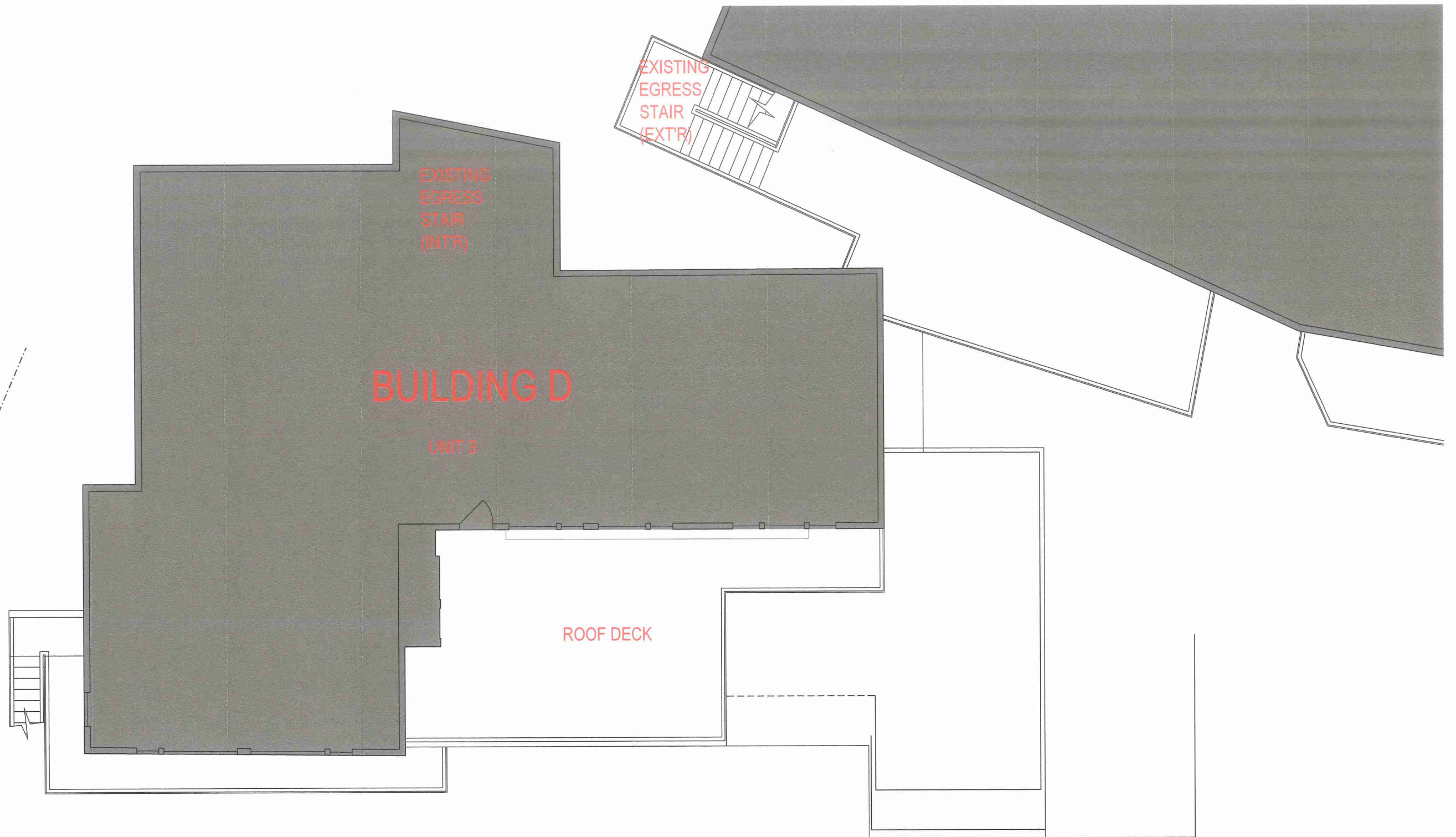
1 First Floor Plan - PROPOSED
Scale: 1/4"=1'-0"



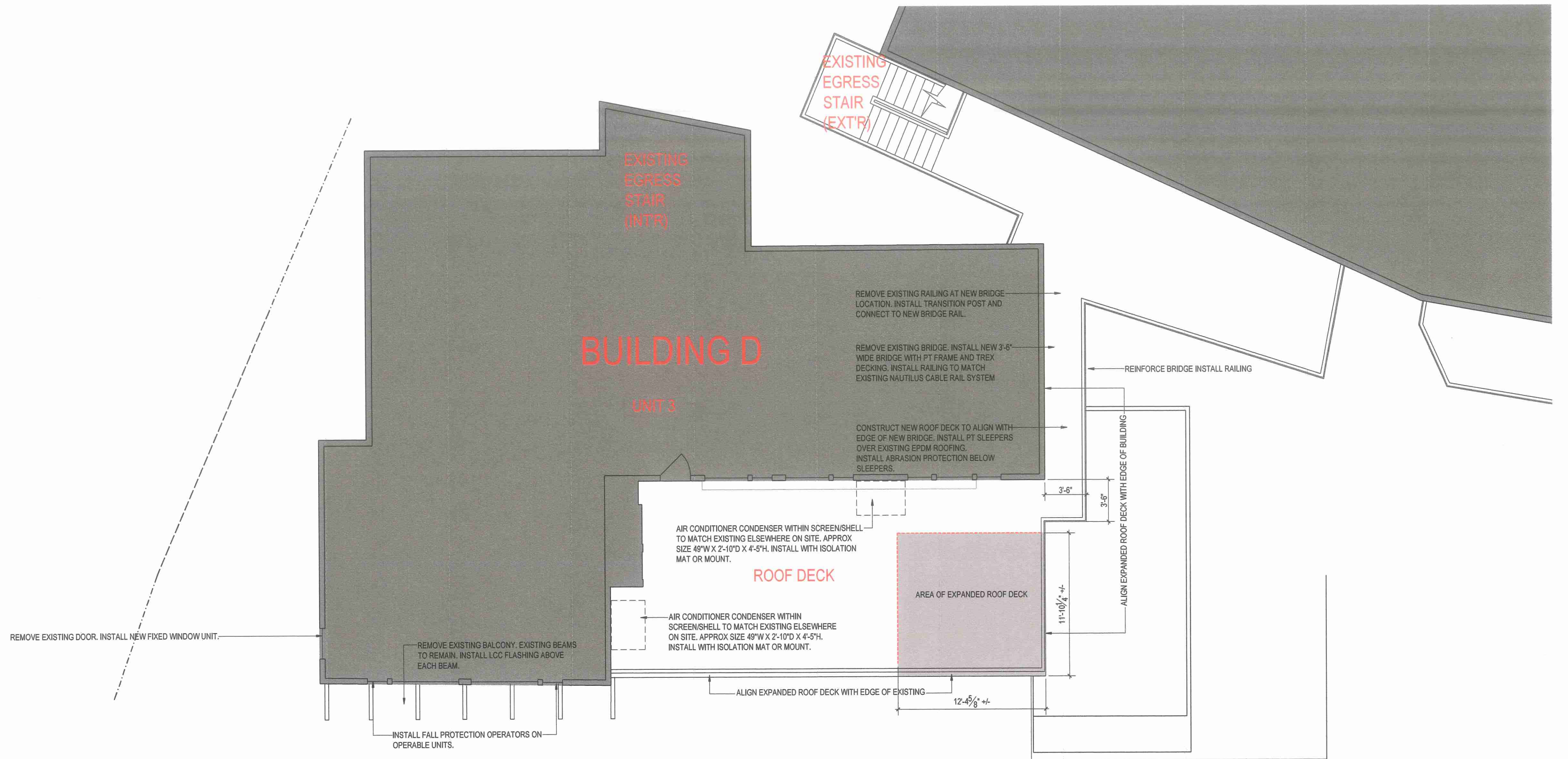
1 Second Floor Plan - EXISTING
Scale: 1/4"=1'-0"



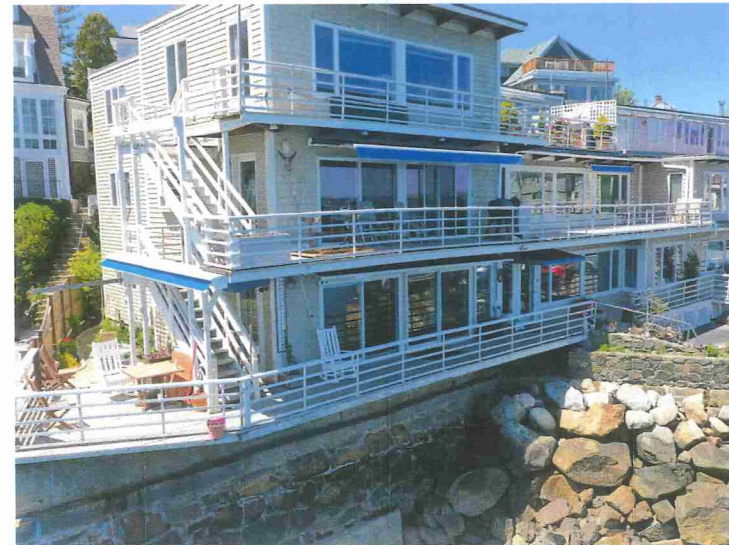
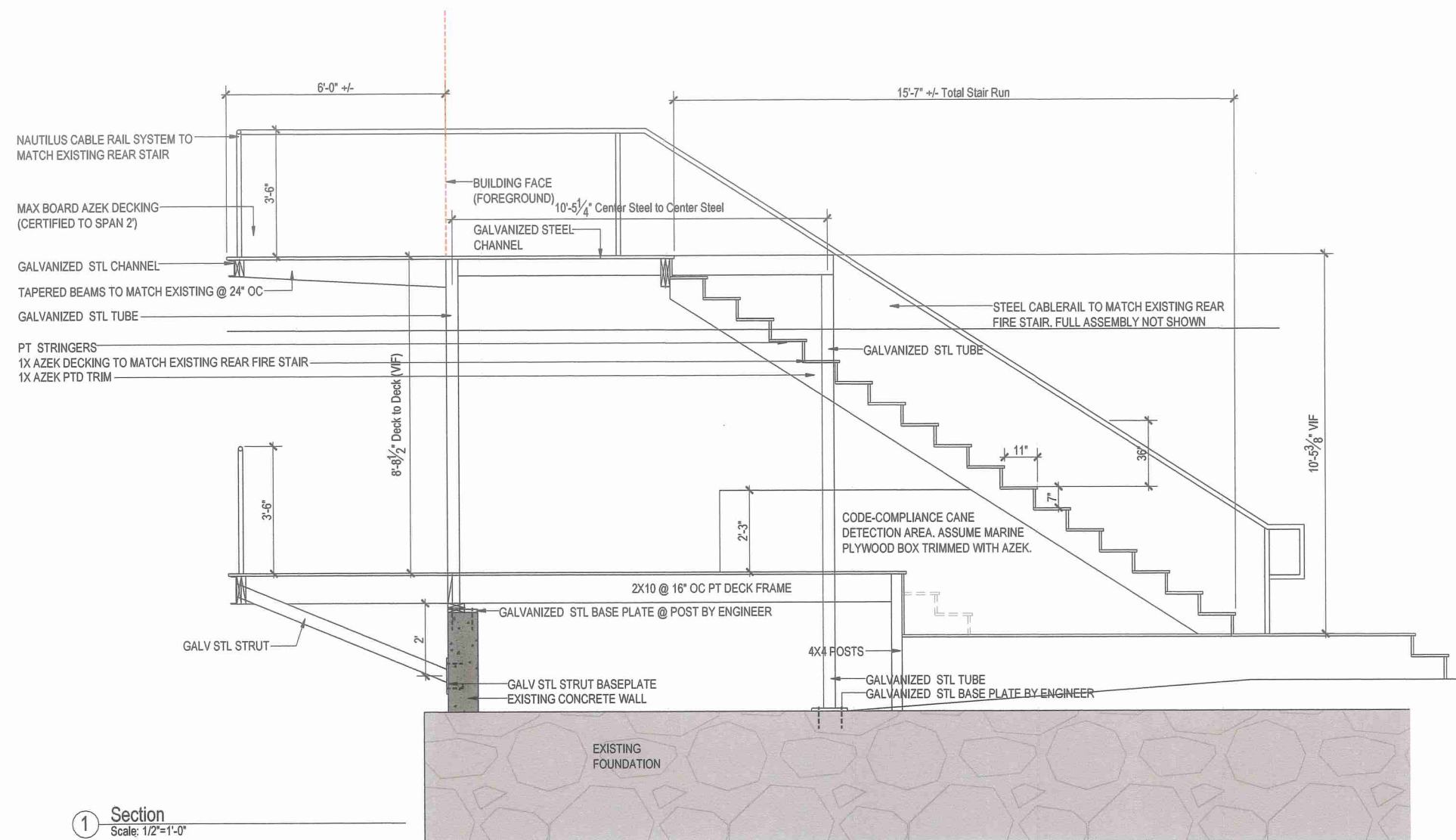
1 Second Floor Plan - PROPOSED
Scale: 1/4"=1'-0"

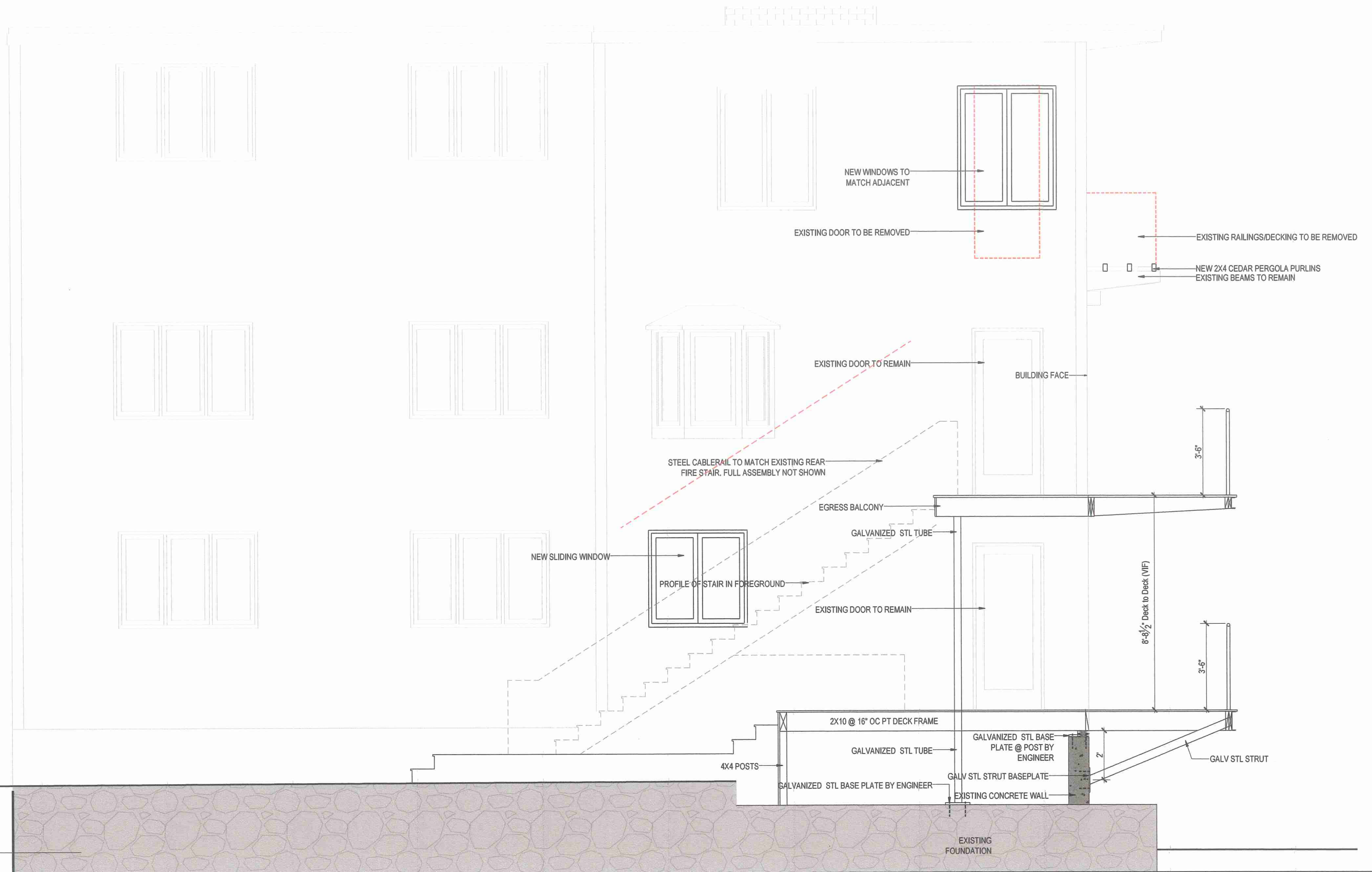


1 Third Floor Plan - EXISTING
Scale: 1/4"=1'-0"



1 Third Floor Plan - PROPOSED
Scale: 1/4"=1'-0"





① Section
Scale: 1/2"=1'-0"

TUCKER
Architecture & Landscape
59 Atlantic Avenue, Marblehead, MA
www.TuckerArch.com
(781) 631-3546

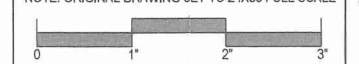
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2020 12 09 APPROVAL SET

New Stair

NOTE: ORIGINAL DRAWING SET TO 24X36 FULL SCALE



PAGE NO.

5

① Section
Scale: 3/4"=1'-0"
Tucker Architecture and Landscape LLC

