



TOWN SEAL
tel: 781-631-1529

fax: 781-631-2617

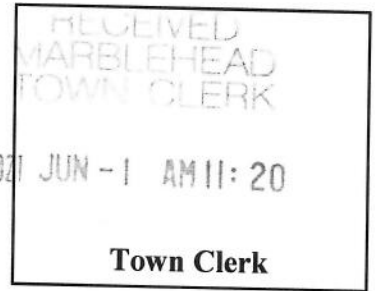
Revision Date: 12-02-20

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 42 Russell Street

Assessor Map(s) 150

Parcel Number(s) 10

Reviewed by
Building Department
For Zoning Board
Of Appeals

OWNER INFORMATION

Signature _____ date _____

Name (printed) Jay Sahagian

Address 42 Russell Street, Marblehead, MA 01945

Phone Numbers: home 781-631-3487

work _____

E-mail jsbarnacle@comcast.net

fax _____

APPLICANT or REPRESENTATIVE INFORMATION (if different from owner)

Signature [Signature] date 5-27-21

Name (printed) Jay Sahagian

Address c/o Paul M. Lynch, Esq., Zero Spring Street, Marblehead, MA 01945

Phone Numbers: home _____ work 781-631-7808

E-mail lynch@marbleheadlaw.com

fax _____

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

Request to remove the conditions attached to the Special Permit granted to the applicant on May 23, 2006 for the construction of an 8 foot fence.

- 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).

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REQUIRED SIGNATURES

1. Building Commissioner (pages 1, 2 and 3) [Signature] 5/28/21

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

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

Town of Marblehead
ZBA-APPLICATION

Page 2 of 3

Revision Date: 12-02-2020

Project Address 42 Russell Street

Map(s) / Parcel(s) 150/10

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 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)
☐ 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 _____	No <u>X</u>
Historic District Commission	Yes _____	No <u>X</u>
Planning Board	Yes _____	No <u>X</u>

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

Yes X No _____ (explain) _____

Building Official _____

Date 5/28/21

Town of Marblehead
ZBA-APPLICATION
Page 3 of 3

Revision Date: 12-02-2020

Project Address 42 Russell Street

Map(s) / Parcel(s) 150/10

NET OPEN AREA (NOA)

Lot area = A

EXISTING

PROPOSED

19,950

19,950

Area of features

footprint of accessory building(s)

1,330

1,330

footprint of building

1,638

1,638

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

390

390

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

324

324

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

0

0

other areas (explain) _____

0

0

Sum of features = B

3,682

3,682

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

16,268

16,268

GROSS FLOOR AREA (GFA)

accessory structure(s)

1,330

1,330

basement or cellar (area >5' in height)

518

518

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

1,458

1,458

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

920

920

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

518

518

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)

72

72

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

4,816

4,816

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

= 0

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

= 0 %

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

= 1: 3.38

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

= 1: 3.38

This worksheet applies 1. plan by/dated N/A

to the following plan(s): 2. plan by/dated N/A

3. plan by/dated _____

Reviewed by
Building Department
For Zoning Board
Of Appeals

Building Official _____

Date 5/28/21

**TOWN OF MARBLEHEAD
BOARD OF APPEALS**

COPY

**Application of Rebecca and Jay Sahagian
for a Special Permit pursuant to Art. IX, §IX.C.1.
with respect to the property located at
42 Russell Street
Assessors Map No. 150, Parcel Number 10**

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 4 and 11, the Board of Appeals held a scheduled hearing on the above-referenced matter at the Selectmen's Room at Abbot Hall, Marblehead, Massachusetts on Tuesday, May 23, 2006.

Sitting for the Board of Appeals were members Bennet, Moriarty, Papanek, and Tenenbaum, with alternate Burke Jacobson.

The applicants sought a special permit for the construction of an eight (8) foot fence. The new construction will exceed the maximum allowable height for boundary fences on a preexisting nonconforming property, located within an Unrestricted District.

The application was presented by the owners Rebecca and Jay Sahagian. The site is located on Russell Street, a neighborhood characterized by small lots and low ratios of net open area to gross floor area. The Applicants sought to construct an 8-foot fence around the perimeter of their property.

Letters were submitted from the following in support of the application: Carolyn and Darren Johnson of 25B Pond Street, and Celia Gatchell of 29 Pond Street. Jeff Meserve of 33 Elm Street spoke in favor. No one spoke against the application.

Based upon the foregoing factors, and in reliance upon the conditions imposed, the Board made the necessary findings as set forth in Section IX.C.2 of the Bylaw 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 modified building; that neither the building as modified nor the use of the modified building will adversely affect the neighborhood; that there will be no nuisance or serious hazard to vehicles or pedestrians resulting from the modified building; and that adequate and appropriate facilities will be provided for its proper operation.

Thereupon, the Board voted unanimously as follows:

Mr. Bennet	Yes
Ms. Burke Jacobson	Yes
Mr. Moriarty	Yes
Ms. Papanek	Yes

COPY

Ms. Tenenbaum

Yes

The Special Permit is granted, conditioned solely upon the following conditions:

- (1) 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 (except as noted below in Condition #2), 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 decision, endorsed by the Town Clerk, is recorded in the Registry of Deeds as required by 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 this special permit null and void;
- (2) 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; and
- (3) There shall be no future reduction in open area whatsoever without a future special permit from the Board of Appeals.

BOARD OF APPEALS
TOWN OF MARBLEHEAD

By:

Elizabeth B. Jacobson
Elizabeth Burke Jacobson, alternate

RECEIVED
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TOWN CLERK
2006 JUN - 5 AM 10:46

Filed with

Laura M. Bulger

Town Clerk on

at