



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**

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2023 SEP 11 AM 10:47

Town Clerk

Project Address 70 Nanepashemet Street

Assessor Map(s) 910 Parcel Number(s) 17-0

### **OWNER INFORMATION**

Signature \_\_\_\_\_ date \_\_\_\_\_

Name (printed) Slogood Properties LLC

Address 2800 Waymaker Way Unit 54 Austin, TX 78476

Phone Numbers: home \_\_\_\_\_ work see contact info below

E-mail \_\_\_\_\_ fax \_\_\_\_\_

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

Signature [Signature] date Sept. 11, 2023

Name (printed) Matthew Wolverton, Law Offices of Lausier & Lausier, LLC

Address 2 Hooper Street Marblehead, MA 01945

Phone Numbers: home \_\_\_\_\_ work 781 631 8830 x3

E-mail matt@lausierlaw.com fax 781 631 8840

### **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) [Signature]

2. Town Clerk's stamp (upper right corner) 9-11-2023

Reviewed by  
Building Department  
For Zoning Board  
Of Appeals

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

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<b>Project Address</b>	70 Nanepashemet Street	<b>Map(s) / Parcel(s)</b>	910/17-0
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B B1 BR CR SCR ECR GR SGR SR SSR ESR SESR HBR U SU

Yes ☒ No ☐ (explain)

**No** X **Yes** \_\_\_\_\_ (explain)

### No Existing Dimensional Non-conformities

<b>X</b>	<b>No New Dimensional Non-conformities</b>
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Planning Board	Yes	No	X
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Yes ☒ No ☐ (explain)

Date 9-11-2023

Reviewed by  
Building Department  
For Zoning Board  
Of Appeals

Town of Marblehead  
ZBA-APPLICATION  
Page 3 of 3

Revision Date: 12-02-2020

Project Address 70 Nanepashment Street

Map(s) / Parcel(s)

910 / 17

**NET OPEN AREA (NOA)**

**EXISTING**

**PROPOSED**

Lot area = A

19312

19312

**Area of features**

footprint of accessory building(s)

0 SF

0 SF

footprint of building

2230 SF

3159 SF

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

365 SF

579 SF

number of required parking spaces 2 x (9'x18' per space)

324 SF

324 SF

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

486 SF

486 SF

other areas (explain) \_\_\_\_\_

0

0 SF

**Sum of features = B**

3405

4548 SF

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

15907 SF

14764 SF

**GROSS FLOOR AREA (GFA)**

accessory structure(s)

0

0

basement or cellar (area > 5' in height)

2032 SF

3474 SF

1st floor (12' or less in height) NOTE:

[for heights exceeding

2230 SF

3507 SF

2nd floor (12' or less in height)

12' see definition

0 SF

0 SF

3rd floor (12' or less in height)

of STORY ~200-7]

0

0 SF

4th floor (12' or less in height)

0

0

attic (area > 5' in height)

0

579

area under deck (if > 5' in height)

203

130 SF

roofed porch(es)

162 SF

36 SF

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

4627 SF

7726 SF

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

= 3099 SF

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

= 66.98 %

**Existing Open Area Ratio** = (existing NOA / existing GFA)

= 3.44

**Proposed Open Area Ratio** = (proposed NOA / proposed GFA)

= 1.91

This worksheet applies

1. plan by/dated North Shore Survey

9/7/2023

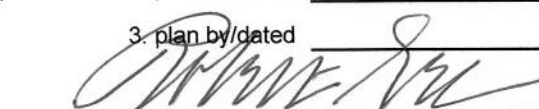
to the following plan(s):

2. plan by/dated Bosworth Architect LLC

9/9/2023

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

Building Official



Date

9-11-23

Reviewed by  
Building Department  
For Zoning Board  
Of Appeals

**PROJECT DESCRIPTION & RELIEF REQUESTED**

70 Nanepashemet Street, Marblehead, MA 01945

The Applicant requests that the Zoning Board of Appeals issue a Special Permit under the Zoning By-laws, in order to allow construction of a single-family residential dwelling on a Lot having less than required Lot Area located at **70 NANEPASHEMET STREET** in an **EXPANDED SINGLE RESIDENCE DISTRICT**. The proposed construction will conform to all other dimensional requirements of the Town Bylaw.

Reviewed by  
Building Department  
For Zoning Board  
Of Appeals

**LAW OFFICES OF LAUSIER & LAUSIER LLC  
ATTORNEYS AT LAW**

2 Hooper Street  
Marblehead, MA 01945  
Telephone: 781-631-8830  
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[www.lausierlaw.com](http://www.lausierlaw.com)

Paul L. Lausier, Esq. (1956-2006)  
Patricia G. Lausier, Esq., CPA

*Of Counsel*  
Matthew J. Wolverton, Esq.

September 11, 2023

VIA IN HAND

Town of Marblehead  
Zoning Board of Appeals  
c/o Lisa Lyon, Senior Clerk  
Mary Alley Municipal Building  
7 Widger Road  
Marblehead, MA 01945

Reviewed by  
Building Department  
For Zoning Board  
Of Appeals

RE: 70 Nanepashemet Street Marblehead, MA; Map 910 Parcel 17-0

Dear Chairman and Members of the Board:

This correspondence is intended to supplement the application of Slogood Properties LLC (the "Applicant") to the Zoning Board of Appeals relative to the above captioned property and to provide background and clarification for the Board.

Prior to the filing of this application, the Applicant received a building permit for the construction of certain dimensionally conforming additions to the existing dwelling located at 70 Nanepashemet Street. The existing dwelling was a pre-existing non-conforming building located on a Lot with less than the required Lot Area. The proposed additions would eliminate the existing structure's dimensional non-conformities, would be located entirely within the required setbacks and conform to all other dimensional requirements of the Bylaw.

During the demolition, it became apparent that the existing foundation was in a state of disrepair and decay, requiring complete removal and replacement. The Applicant's contractor proceeded to demolish the existing foundation. The land is now presently vacant.

Pursuant to Bransford v. Zoning Board of Appeals of Edgartown, 444 Mass. 852 (2005), and Bjorklund v. Zoning Board of Appeals of Norwell, 450 Mass. 357 (2008), an intentionally demolished structure that was built on a pre-existing non-conforming undersized Lot, while protected pursuant to M.G.L. c. 40A §6, once removed can longer be reconstructed as a matter of right without a Special Permit from the Zoning Board of Appeals.

The Applicant's property at 70 Nanepashemet Street has a Lot Area of 19,312 square feet and is located in an Expanded Single Residence District, requiring a Lot Area of 35,000 square feet. Therefore, despite the proposed construction conforming to all dimensional requirements, including height, open area ratio, side, rear and front yard setbacks, and despite the Lot conforming in all other respects to the Town Bylaw, a Special Permit from the Zoning Board of Appeals is required due to the demolition of the existing foundation as described above.

Thank you for your time and attention.

Very truly yours,



MATTHEW J. WOLVERTON, ESQ.

Reviewed by  
Building Department  
For Zoning Board  
Of Appeals

Encl.

Cc: Client; Craig Bosworth N.C.A.R.B. Bosworth Architects, LLC