



BOSWORTH
ARCHITECT L.L.C.

October 28, 2022

Zoning Board of Appeals

Mary Alley Municipal Building
7 Widger Road
Marblehead, MA 01945

RE: Zoning Board of Appeals Application – 12 Redstone Lane

Zone: **Single Residence**

ADMINISTRATIVE CHANGES

Dear Board,

Our project at 12 Redstone Lane is currently under construction. During the bidding process the pricing came back greater than my client could afford. One specific goal for our client was to change the siding material from Stucco to a more traditional looking clapboard and cornerboard design that was approved.

This change from stucco to clapboard for the project exceeded \$300,000.00 and cannot be achieved with my client's budget. We will patch, repair, and paint the existing stucco for a new finished look. Areas of new construction or existing shingle will be stripped and will have a new stucco finish.

The second goal will be to have a larger window on the front elevation from the master bedroom suite. This is a new change from that of the approved diagram.

Lastly instead of the larger shingle sided columns for the right side decks, my client would like to use a more open design with columns, post, and stainless steel railing design. The base will be vertical 1x boards as a simple lattice as illustrated in our proposed elevations.

Thank you for your consideration with these changes.

Thank you,

Craig Bosworth N.C.A.R.B.

78 Front Street
Marblehead, MA 01945
781.631.1982

craig@boswortharchitect.com

RECEIVED
NOV 04 2022

Return to:

McCann & McCann, P.C.
89 Newbury Street
Suite 302
Danvers, MA 01923

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TOWN OF MARBLEHEAD
DECISION OF
THE ZONING BOARD OF APPEALS

on
Application of
Jennifer B. Pratt and Steven M. Pratt
For a Special Permit
12 Redstone Lane
Marblehead, MA

Report of Facts, Findings, and Decision of the Board of Appeals on the petition of:

Jennifer B. Pratt and Steven M. Pratt
(the "petitioners")

TITLE REFERENCE

Essex South District Registry of Deeds, Book 37215 Page 388

requesting that the Zoning Board of Appeals issue a Special Permit under the Zoning By-Laws allowing certain additions and modifications to the pre-existing nonconforming single-family dwelling which has less than the required Front Yard Set Back. Rear Yard Set Back, Side Yard Set Back and exceeds the maximum allowed Height on a pre-existing non-conforming Lot which has less than the required Lot Area. Lot Width and has less than the required Open Area on the property located at **12 REDSTONE LANE** in a **SHORELINE GENERAL RESIDENCE DISTRICT**. The construction will be partially within the Front Yard Set Back (on the third floor only above the existing dwelling). will exceed the maximum allowed Height (but will not increase the Height above the current ridge line height) and will reduce further the nonconforming Open Area Ratio.

All statutory requirements relating to publication and notice were duly complied with including timely publication in the Marblehead Reporter, a local newspaper in compliance with the statutory requirements. Notice to all persons deemed by the Board to be affected by the petition.

as required by Section 17 of Chapter 40A of the General Laws of the Commonwealth and the provisions of the Marblehead Zoning By-Laws, was duly given. The Petitioners who were present were represented by counsel, Robert C. McCann, McCann, McCann & McCann, P.C., 89 Newbury L.L.C., 78 Front Street, Marblehead, MA 01945.

The Public Hearing was called to order at or after 7:45 PM on Tuesday, July 27, 2021, with the hearing being held via Zoom Conferencing pursuant to the Executive Order of Governor Baker of the Commonwealth of Massachusetts. Sitting at the hearing were:

Acing Chairman:	Alan Lipkind
Members:	William Barlow
	Leon Drachman
	Benjamin Labrecque
	William Rudolph

Submitted with the Application and made a part of the record were:

A Survey entitled "ZONING BOARD OF APPEALS PLAN – 12 Redstone Lane – MARBLEHEAD", Property of Steven and Jennifer Prall, having a Scale: 1" = 10', dated May 13, 2021, drawn by North Shore Survey Corporation, 14 Brown Street, Salem, MA 01970.

Architectural Plans drawn by Architect Craig Bosworth, Bosworth Architect L.L.C., 78 Front Street, Marblehead, MA 01945 dated April 2, 2021 consisting of a Cover Page and 8 additional separate sheets.

A sign off sheet of support signed by six (6) of the abutting neighbors and a letter of support from one neighbor, Mrs. Medlinsky, at 10 Redstone Lane with a requested condition limiting construction to the hours of 8:00 AM to 5:00 PM, Monday through Friday; with no construction to take place on Saturdays, Sundays or Holidays; which condition was adopted by the Board.

A copy of the Marblehead GIS Map showing the properties which supported the Application.

The Petitioners explained that the proposal is to renovate in part the interior of the existing single-family dwelling and to further:

- Enclose the current side entry;
- Construct a new entry and porch;
- Construct dormers and additions to the third floor.

The increase in Gross Square Footage ("GFA") will be 426 Square Feet with a resulting change in the GFA of 9.24% (less than the 10% limitation) and the Open Space Ratio will be reduced from .5819 to .5345.

While the property is located in a Shoreline Zoning District, as the GFA increase is below 500 square feet, the proposed work does not require a Site Plan Special Permit. The details of the proposed exterior work on the first floor, excluding the interior renovations, consists of removal of the existing entry and steps which will be replaced by a new entry and porch. Except for this one change at ground level, the footprint of the dwelling is not changing.

The primary work proposed is the addition of dormers to the third floor which will create space for the Petitioners to work while at home. The Dimensional Special Permit is required due to the location of portions of the dormers in the Front Yard Set Back and due to the construction, which will be partially in excess of the thirty (30') foot maximum allowable height, which the thirty (30') foot maximum allowable height, none of the construction will be higher than the existing ridge line of the dwelling.

The Petitioners acknowledged that the property will, when construction is completed, have an Open Space Ratio of .5345 to 1, but pointed out to the Board that the existing Ratio is significantly below that required and that the total GFA increase is only 426 square feet.

The Architect, Craig Bosworth, explained the plans in detail to the Board and illustrated that the height and size of the dwelling is consistent with other homes in the neighborhood and that the design is architecturally consistent with the area. The exterior stucco will be removed and replaced with siding that is consistent with homes in the area. While the dwelling is currently nonconforming, many of the other neighboring dwellings are also.

After the presentation, the Board asked if anyone present wished to speak in favor of the Application, and no one spoke. The Board then asked if anyone wished to speak in opposition, and no one spoke.

Thereafter, upon motion duly made and seconded, the Board voted to close the public comment portion of the hearing. After discussion amongst the Board Members, the Board made the following findings and decision:

Findings of the Board

By voting positively on the Application and granting the requested Special Permit, the Board made the following determinations and findings:

1. That all statutory requirements relating to publication and notice were duly complied with.
2. That all submitted plans and specifications meet the requirements of the Rules and Regulations of the Board.
3. That based upon the plans and specifications, and the information presented to the Board, the criteria set forth in ARTICLE IX, § 200-36B of the Marblehead Zoning By-Laws, consisting of the following, have been satisfied:

- a. The general purposes and intent of the By-Law are met. A single-family dwelling use is allowed as a matter of right in the District and the Dimensional Relief Sought is permitted by a Special Permit issued by the Zoning Board of Appeals under §200-37, and
- b. The specific site is an appropriate location for such use or building. The property is adjacent to other single family dwellings in a quiet neighborhood with several of the adjacent and nearby dwellings having similar Dimensional Nonconformities consistent with the requests of the Petitioners; and
- c. The use as developed will not adversely affect the neighborhood. While dimensional relief is being sought, it is done so in order to create additional needed space in the existing structure and to have as much of the construction completed so as to have the residing structure be consistent with the other dwellings in the neighborhood, and,
- d. There will be no nuisance or serious hazard to vehicles or pedestrians. The access and egress from the dwelling will be maintained and compliant parking is provided; and
- e. Adequate and appropriate facilities will be provided for the proper operation of the proposed use. There are facilities to support the ordinary residential use of a single family dwelling.

Decision

Whereupon the Board, after adopting the standard conditions listed below and including the specific condition regarding hours of construction, voted to grant a Special Permit with the following standard conditions:

- 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 the drawings approved and stamped by the Board of Appeals by that vote, or which is inconsistent with this Decision and these conditions, without the Petitioners obtaining prior written approval from the Board of Appeals for such construction.
- This Special Permit is issued on basis that there will be a so-called "delay of permit" condition imposed and that work may not be commenced until all appeal periods have expired and a copy of this five (5) page Decision, in its entirety, and not merely the conditions, bearing the certification of the Town Clerk that twenty (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 that an appeal has been filed within such time, has been recorded in the Essex South District Registry of Deeds and indexed in the Grantor Index under the name of the owner of record or is filed

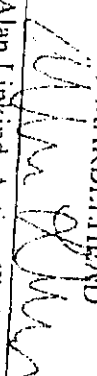
for registration, if the land is registered, and noted on the Owner's Certificate of Title, all as required by Massachusetts General Laws Chapter 40A.

- This Special Permit is issued on the condition that no Certificate of Occupancy shall be issued by the office of the Building Inspector if any of the construction either differs from the construction set forth on the drawings approved and stamped by the Board of Appeals by that vote, or which is inconsistent with this Decision and these conditions, without the Petitioners obtaining prior written approval from the Board of Appeals for such construction.
- If the Petitioners shall exercise any rights of construction under a duly appealed Special Permit, such rights shall be at the Petitioners' sole risk that a court will reverse the Special Permit and that any construction performed under the Special Permit may be ordered undone.
- 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.
- Construction shall be limited to the hours of 8:00 AM to 5:00 PM, Monday through Friday, with no construction to take place on Saturdays, Sundays or Holidays.

The votes by the Board Members granting the Special Permit were:

Acting Chairman:	Alan Lipkind	-	YES
Members:	William Barlow	-	YES
	Leon Drachman	-	YES
	Benjamin Lalancette	-	YES
	William Rudolph	-	YES

The hearing then adjourned.
BOARD OF APPEALS
TOWN OF MARBLHEAD

By: 
Alan Lipkind, Acting Chairman

Decision filed with Town Clerk _____, on _____ at _____

**TOWN OF MARBLEHEAD
ZONING BOARD OF APPEALS**

**Mary Alley Municipal Building
7 Widger Road
Marblehead, MA 01945
Telephone: 781-631-1529**

September 7, 2021

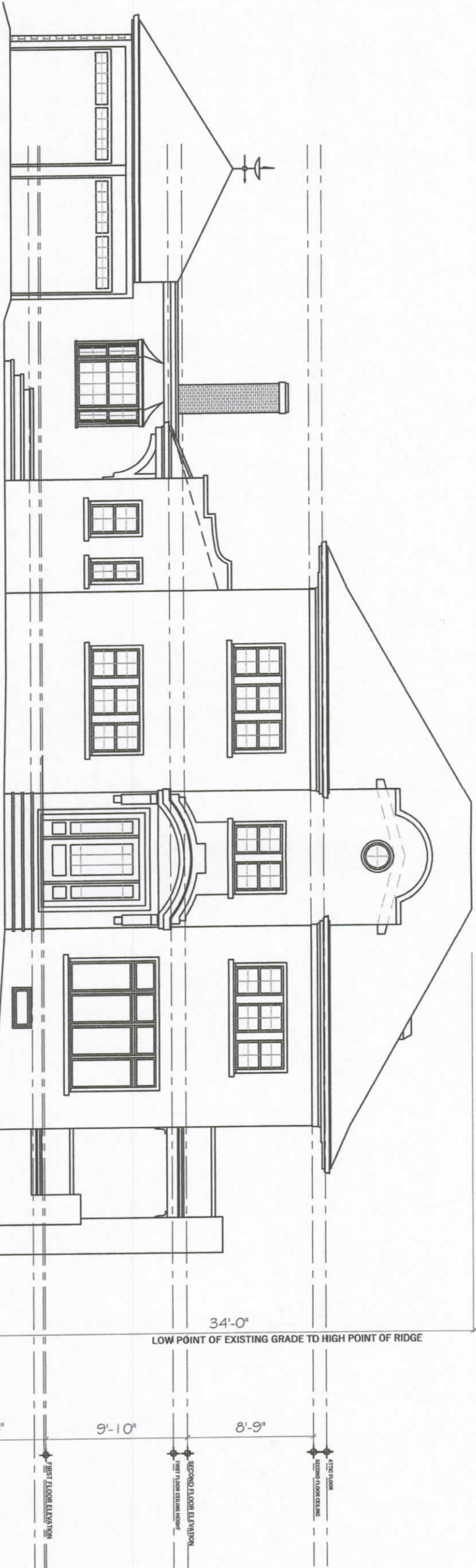
NOTICE OF DECISION

The Board of Appeals, after notice and public hearing on **Tuesday, July 27, 2021** on the application of **Jennifer B. Pratt and Steven M. Pratt** voted to approve the request for a Special Permit with conditions at **12 Redstone Lane**.

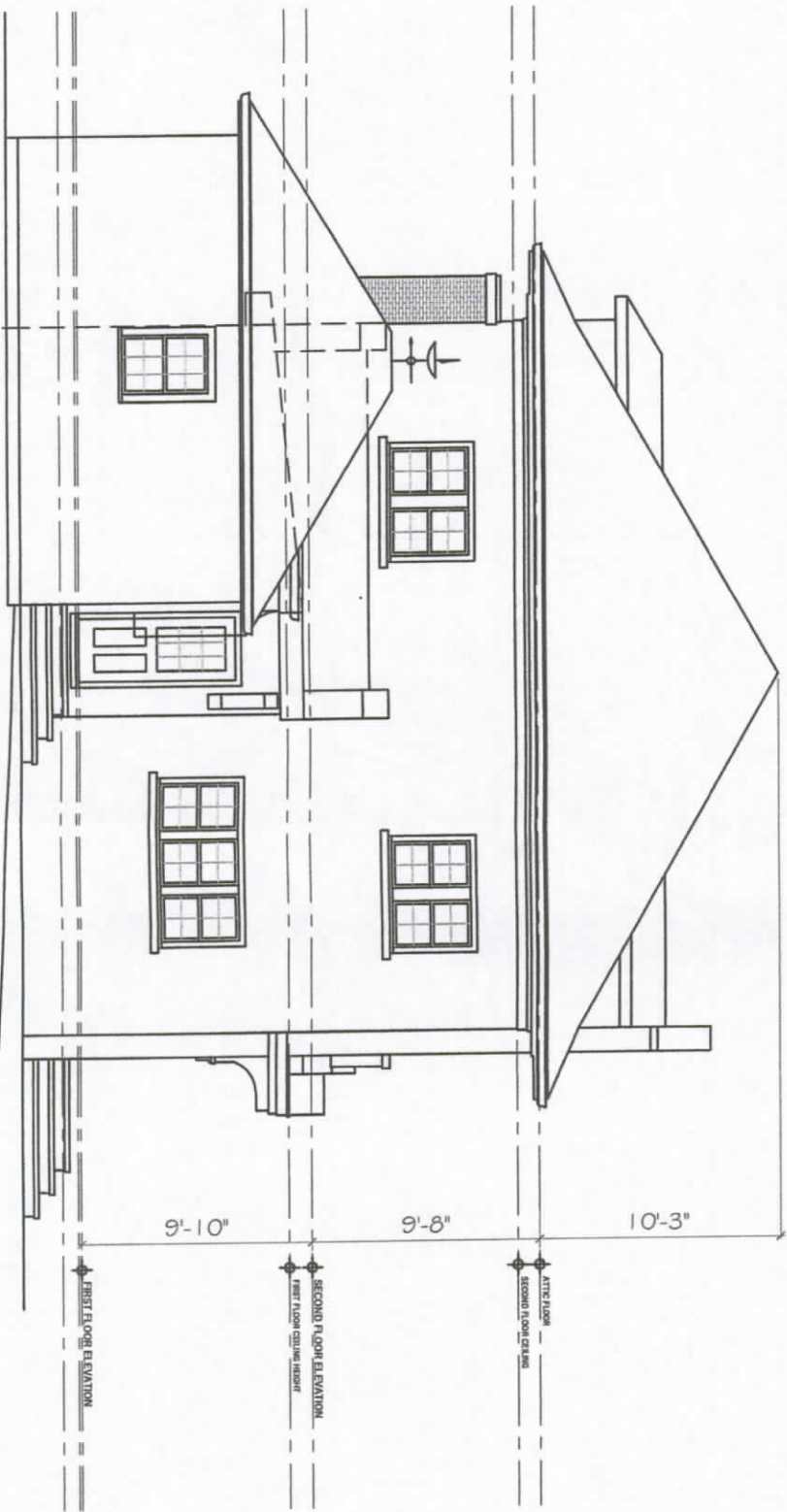
The written Decision was filed with the Town Clerk on **September 7, 2021**.

A copy of the decision is available for inspection at the Town Engineering Department, 7 Widger Road, Marblehead, MA, 01945.

This notice is being sent in compliance with Massachusetts General Laws Chapter 40A section 9 and does not require action by the recipient. Appeals, if any, shall be made pursuant to Chapter 40A, section 17, and shall be filed within 20 days from the date which the decision was filed with the Town Clerk.



1 FRONT ELEVATION



2 LEFT SIDE ELEVATION



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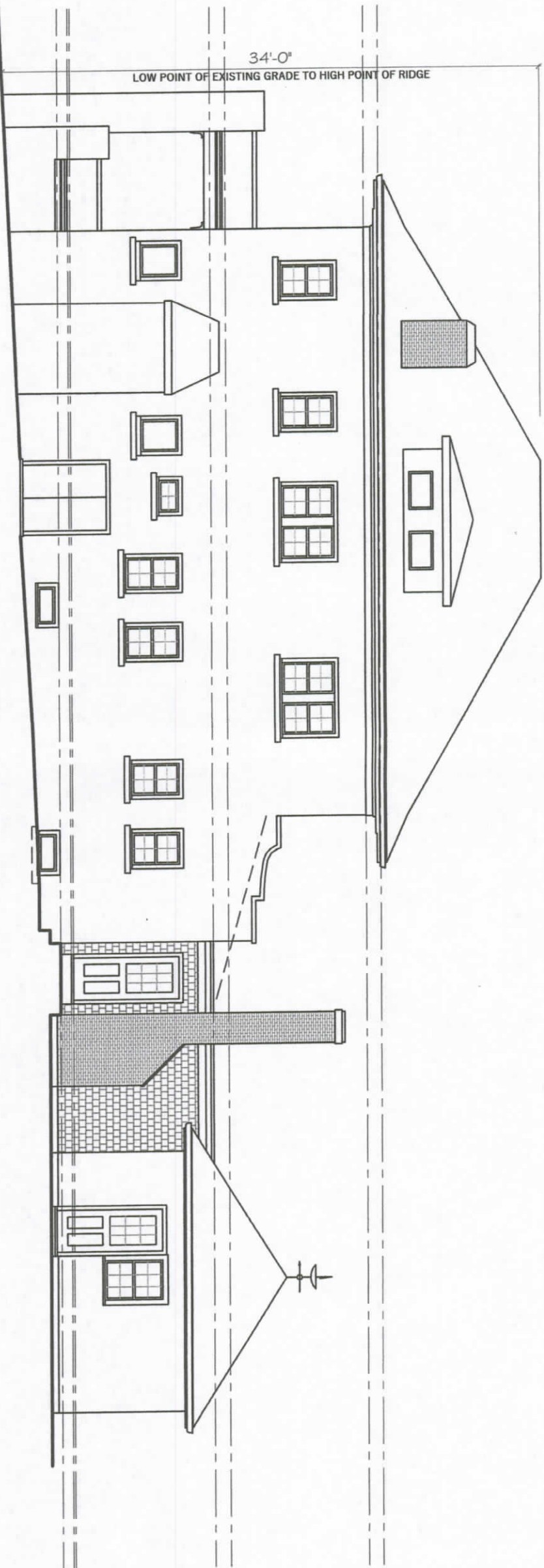
PRATT RESIDENCE
12 REDSTONE LANE
MARBLEHEAD, MA 01945

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Checked by: _____
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Date: _____

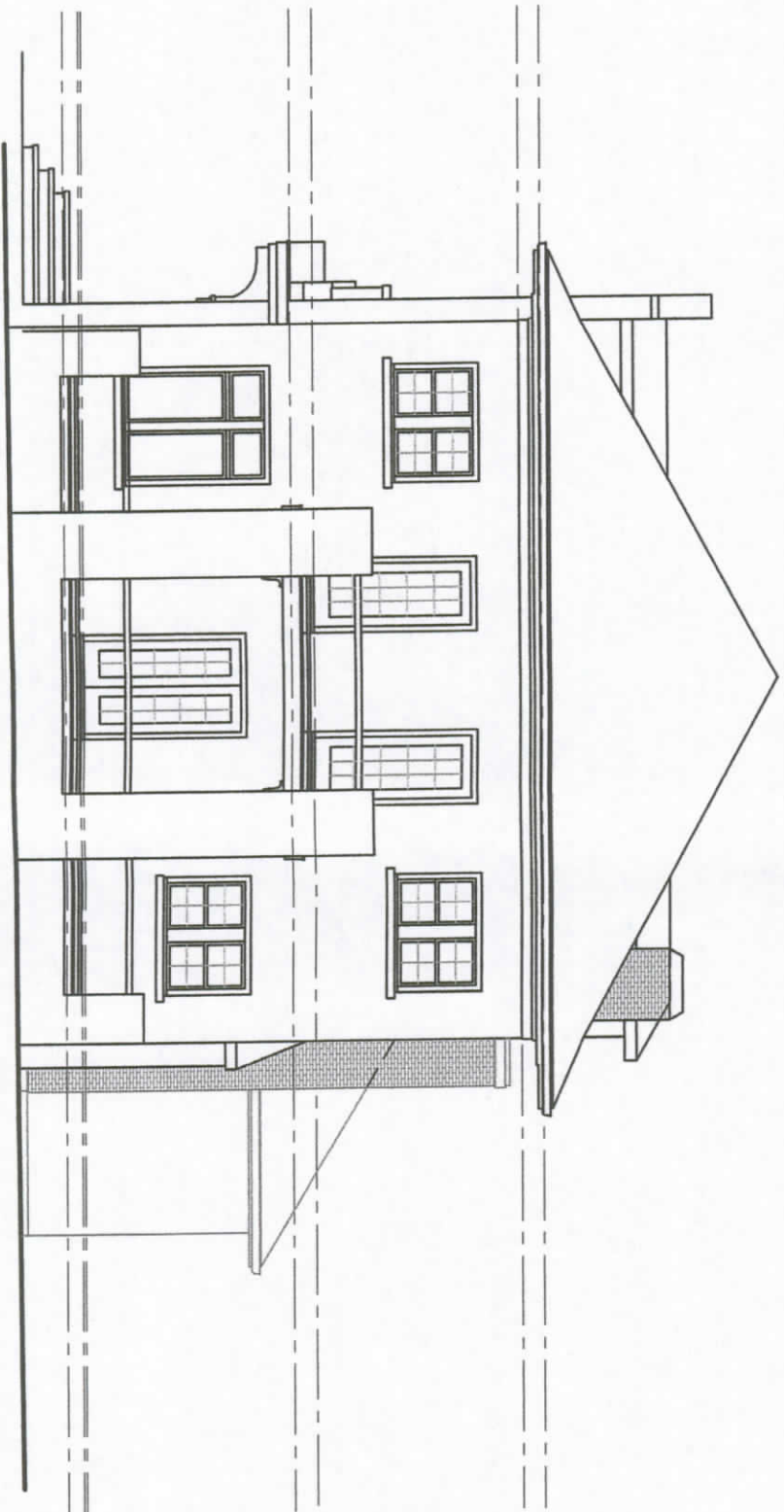
EXISTING EXTERIOR ELEVATIONS

Scale: 1/8" = 1'-0"
Date: APRIL 20, 2021

EX3



3 REAR ELEVATION



4 RIGHT SIDE ELEVATION

EX4

EXISTING EXTERIOR ELEVATIONS

Scale: 1/8" = 1'-0"
Date: APRIL 20, 2021

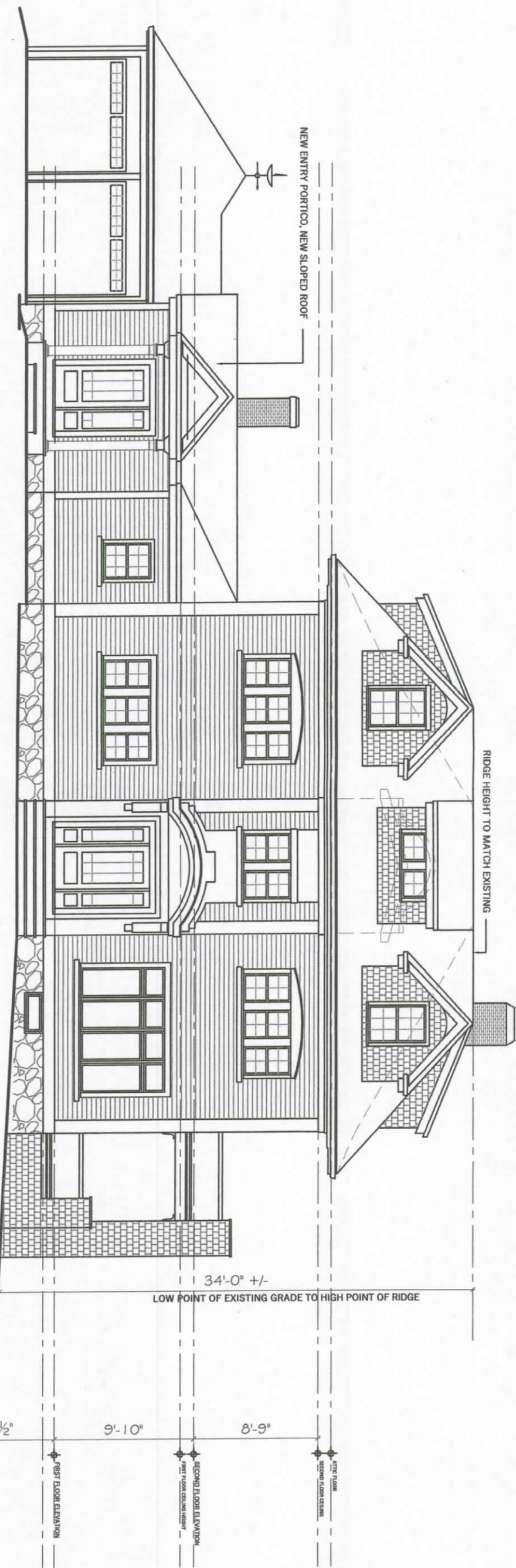
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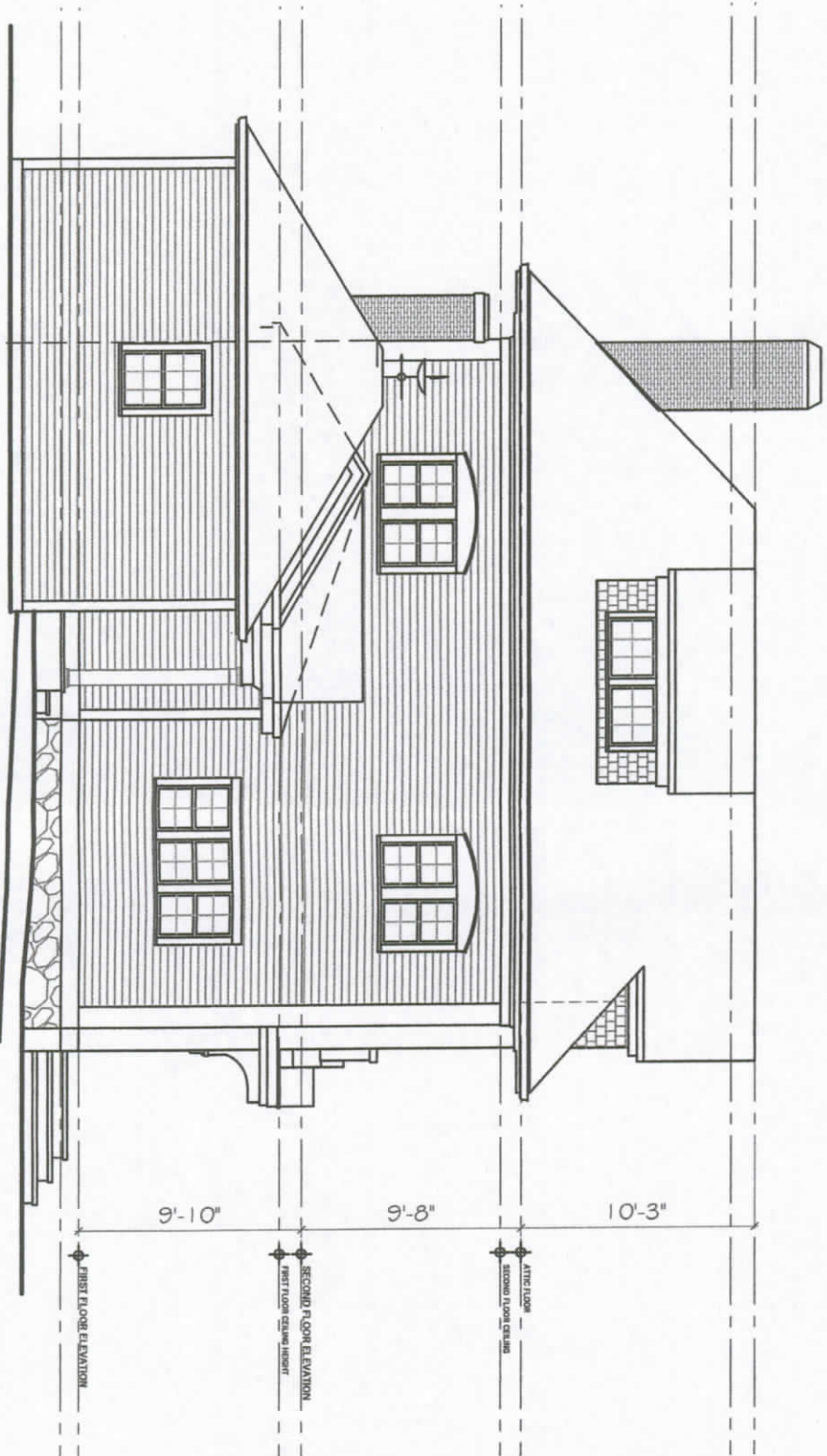
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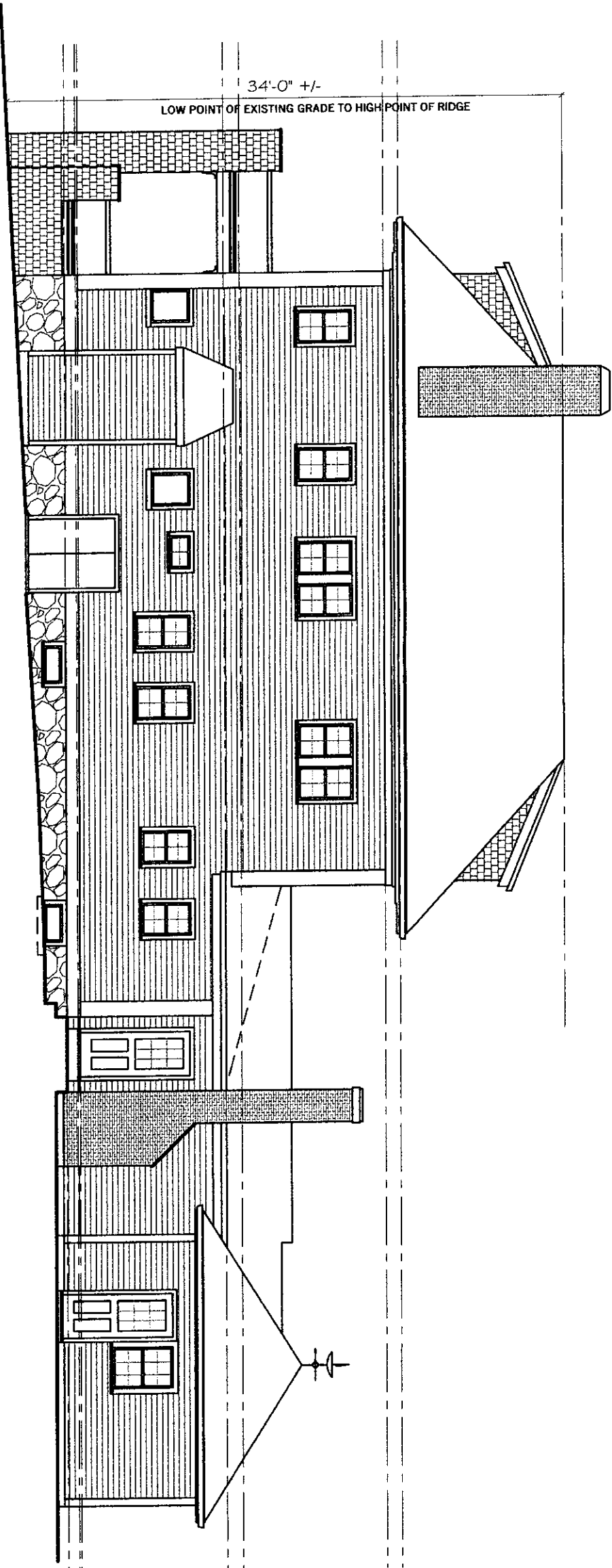
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FRONT ELEVATION



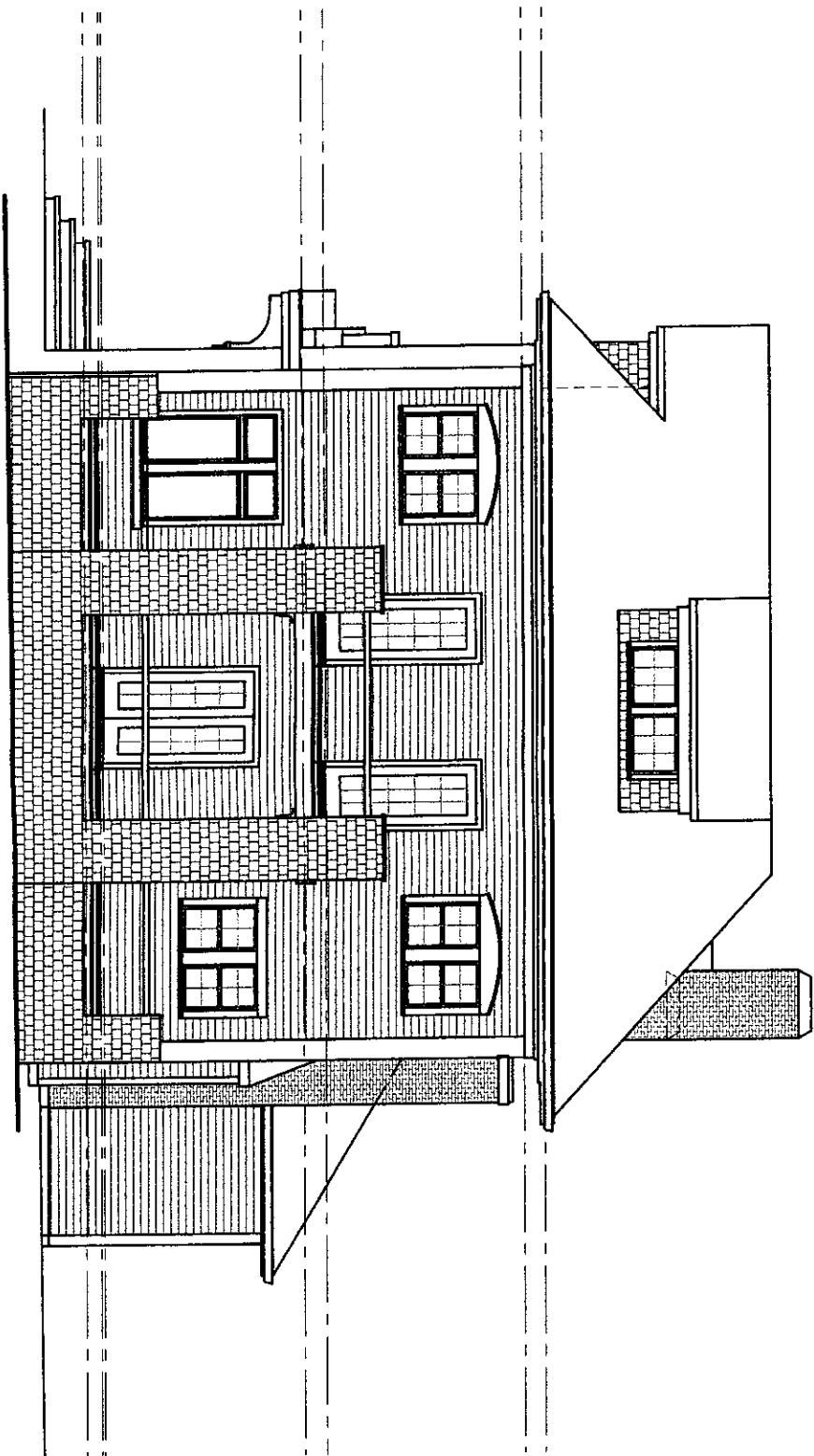
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LEFT SIDE ELEVATION

APPROVED JULY 27, 2021

3 REAR ELEVATION



4 RIGHT SIDE ELEVATION



APPROVED JULY 27, 2021

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MARBLEHEAD, MA 01945

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PROPOSED EXTERIOR ELEVATIONS

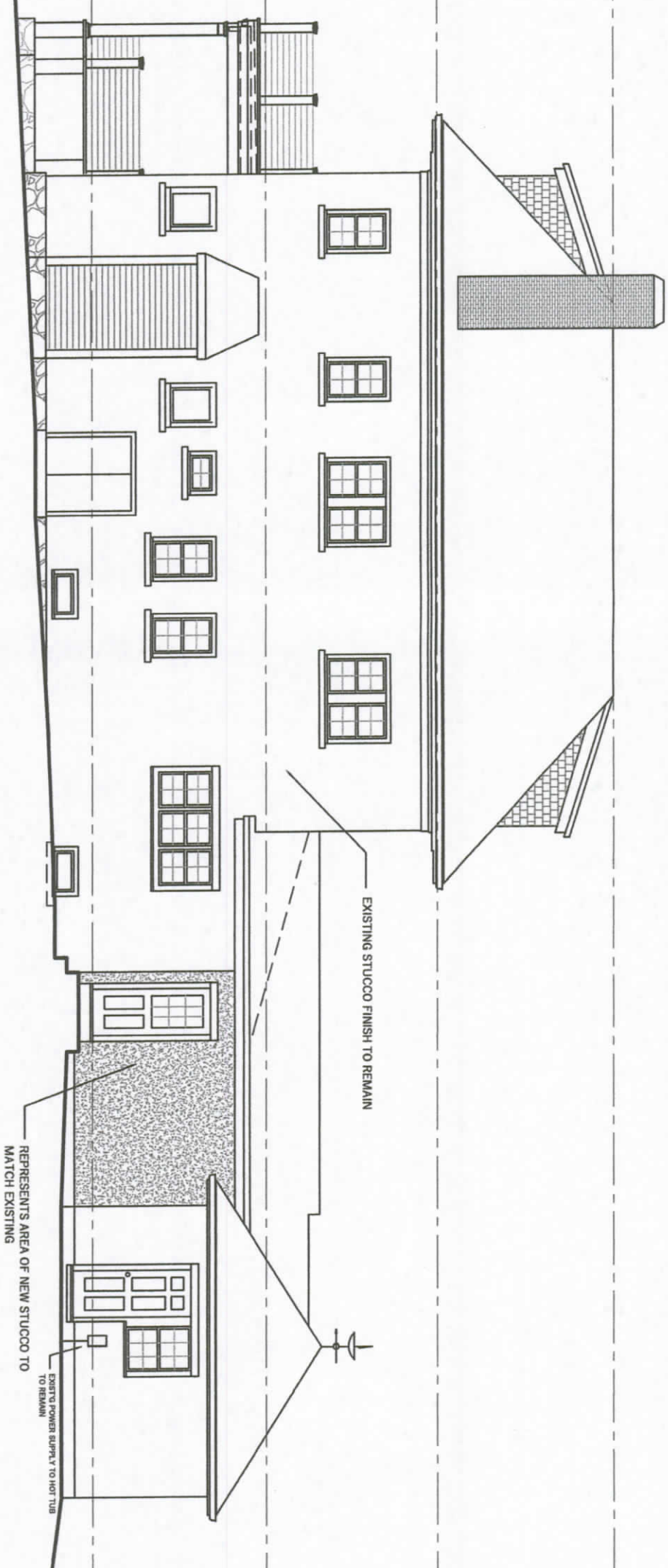
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Date: APRIL 20, 2021

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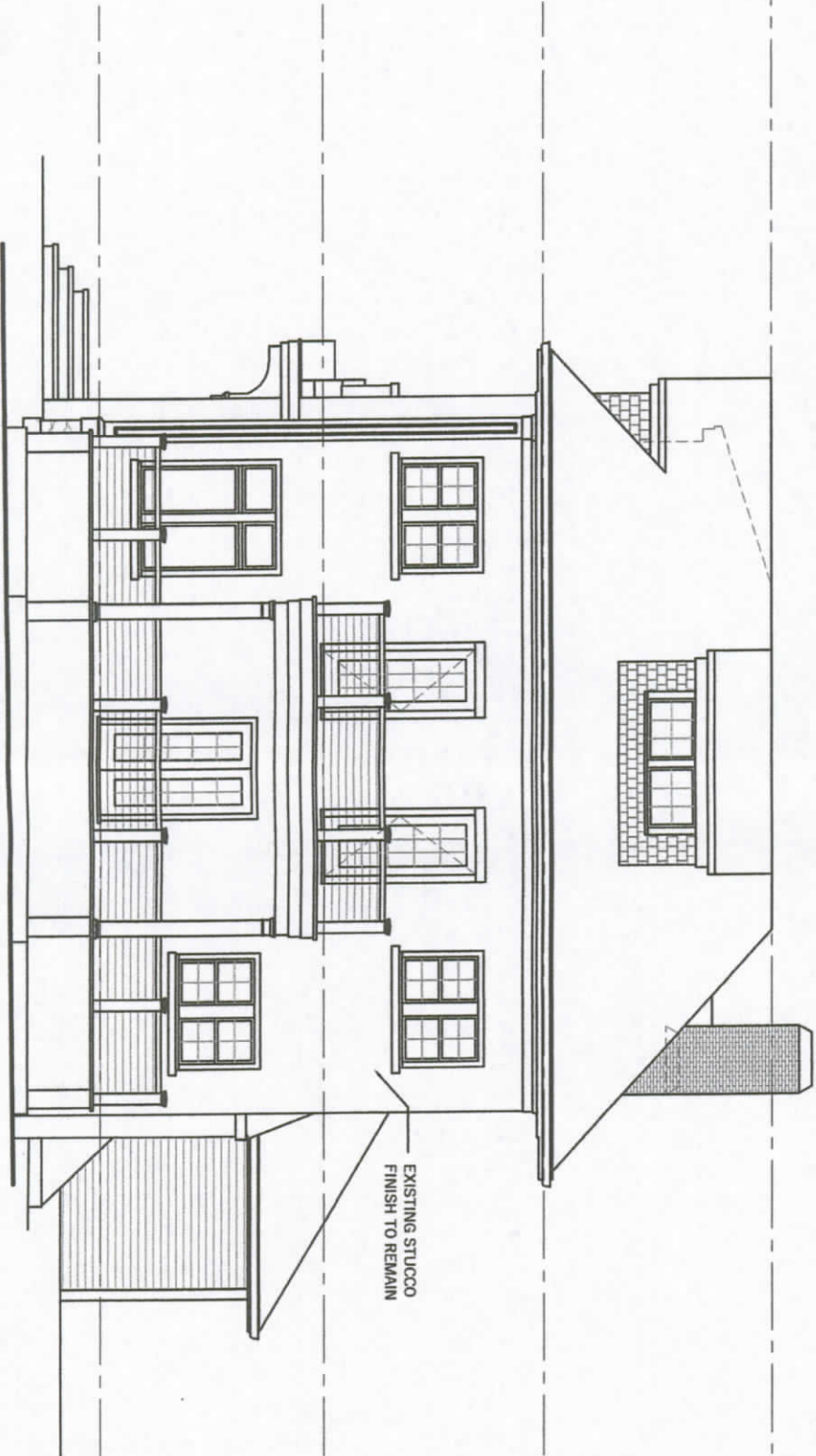
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3 REAR ELEVATION



4 RIGHT SIDE ELEVATION



PROPOSED OCTOBER 28, 2022

A4

PROPOSED EXTERIOR ELEVATIONS

Scale: 1/8" = 1'-0"
Date: APRIL 20, 2021

Drawn by:	
Checked by:	
Date:	
Date:	
Date:	

PRATT RESIDENCE
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