A regularly scheduled and noticed meeting of the Board of Appeals was called to order by Chairman Moriarty, at or after 7:30 p.m. in the Selectmen’s Room at Abbot Hall, Marblehead, Massachusetts. Present were Board members Moriarty, Drachman, Barlow, LaBrecque, as well as Becky Curran, Town Planner and Rich Baldacci, Building Commissioner.

7:30 PM  7 Lincoln Avenue – the applicant submitted a written request to withdraw the application without prejudice. The Board voted to accept the withdrawal. All in favor. Drachman, Barlow, LaBrecque, Moriarty.

7:30 PM  42 Clifton Heights Lane – Peter and Laura Cheney
The Board of Appeals held a public hearing on the request of Peter and Laura Cheney to vary the application of the present Zoning By-law and a previous board of appeals special permit by allowing a new Special Permit to construct additions and modifications to an existing single family house on a preexisting nonconforming property with less than the required lot area, frontage, side yard setback and parking and exceeds the maximum height located at 42 Clifton Heights Lane in a Shoreline Single Residence District. The new construction will exceed the maximum height. Laura and Peter Cheney presented their application for modifications to their home. They pointed out that the additions will actually decrease the size of the house footprint and also decrease the height by taking down the roofline. All neighbors that abut the property are in support of the project and have signed a letter of support (submitted). Drawings of the new Nantucket dormer were presented. No one spoke in favor or in opposition. Motion was made to close the hearing. A vote was taken to issue a special permit on an undersized lot with the usual conditions. Drachman, Barlow, LaBrecque, Moriarty. All in favor.

7:45 PM  16 Walnut Street – Charles Adams (continued from March 24, 2019 – no evidence taken)
The Board of Appeals held a public hearing in the Selectmen’s meeting room in Abbot Hall, 188 Washington Street, Marblehead, on the request of Charles Adams to vary the application of the present Zoning By-law by allowing a Special Permit to construct a new garage to replace an existing shed as an accessory to an existing single family house on a preexisting nonconforming property with less than the required side yard setback, located at 16 Walnut Street in a Shoreline general Residence District. The new construction is within the side yard setback. Veronica Hobson (architect) and Charles Adams (owner) filed amended drawings for the new 12’ x 24’ garage on Friday, April 19th with the Engineering Department and presented them at the meeting. The new plans show a reduced depth by 4’, because neighbors had concerns about size and proximity to property line. The garage will also be moved forward 4’ on the lot. The pitch of the roof has also been dropped 1’ to reduce the size. They are proposing construction 2’ from the property line for the garage. Mr. Drachman had a concern about the distance from the steps and deck; Ms. Hobson responded that it’s a little less than 3’ and that they will regrade the cement pad to provide a little more space. Letters of support from some of the neighbors were
submitted. The Chairman asked if there was anyone in the assembly to speak in favor or opposition of the project.

David and Susan Stone – 14 Walnut Street – spoke in favor of the project. They share the sideline that the garage will be closest to. They’ve worked with Chuck and Sally to make the garage work and said that it is aesthetically pleasing.

Carol Davis and Wayne – 17 Walnut Street – (directly across the street) spoke in favor of the project.

Patty Shea – is a back yard abutter at 15 Cliff Street. She spoke (generally) in favor the garage project, acknowledging that the shed has seen better days. However, she has very serious concerns about water run-off and the newly created impervious surfaces that would increase run-off into her yard, she said that the recent rains caused flooding in her yard (two photos were submitted). She proposed moving the garage to the front of the house so that water run-off runs down into a drain. A conversation about the property line proximity of existing shed, new garage, and if initial plans and newer plans being accurate (regarding steps).

Motion was made to close the hearing. The Board discussed mitigating water concerns and the possibility of creating a kind of swale in the back of garage to help with drainage. A vote was taken to issue a special permit with the usual conditions and a special condition that the applicant create a swale to prevent additional water from the draining on their neighbors. Drachman, Barlow, LaBrecque, Moriarty. All in favor.

7:45 PM 420 Ocean Avenue – Joyce Jay Raymond
The Board of Appeals held a public hearing on the request of Joyce Jay Raymond to vary the application of the present Zoning By-law by allowing a Special Permit to construct modifications to an existing single family house on a preexisting nonconforming property with less than the required lot area, side yard setback, rear yard setback and parking and exceeds the maximum height located at 420 Ocean Avenue in a Shoreline Expanded Single Residence and Expanded Single Residence District. The new construction will be within the side yard setback. Joyce Raymond presented her application for replacing a porch awning with a flat roof deck. She presented a map of the area, indicating neighbors she has spoken with about the project; signatures also included. No one spoke in favor or in opposition. Motion was made to close the hearing. A vote was taken to issue a special permit with build as shown and delay of permit and with the usual conditions. Drachman, Barlow, LaBrecque, Moriarty. All in favor.

8:00 PM #3 and #5 Gilbert Heights Road – Judith Schmid
The Board of Appeals held a public hearing on the request of Judith Schmid to vary the application of the present Zoning By-law by allowing a Special Permit to replace a single family dwelling at 3 Gilbert Heights Road with a new single family structure and replace the existing single family structure at 5 Gilbert Heights Road with an accessory structure and merge the lots to one. There will be a portion of time when there will be two principal uses on one lot. Both lots are presently preexisting nonconforming properties with less than the required frontage and side yard setback located a Shoreline Single Residence and Single Residence District. The new construction will result in one conforming building on a conforming lot. Tom Flavin, and
Attorney Michael Sullivan presented the application for the plan to remove the dwelling at 3 Gilbert Heights and replace with a contemporary style construction. Eventually, the dwelling at 5 Gilbert Heights will come down and a one-story studio will be built – they’re not seeking the studio at this time. It’s a merged lot (as of January 2018). The Schmids would like to live in 5 Gilbert Heights while 3 Gilbert Heights is being built. A lengthy conversation regarding the merged lots, occupancy, and construction and replacement took place. The Board acknowledged the difficulty of the buildings (two primary uses on a single use property); allowing the Schmids to have two principal uses would be a variance. The applicant requested to withdraw the application without prejudice. The Board made a motion to approve the withdrawal application without prejudice. Drachman, Barlow, LaBrecque, Moriarty. All in favor.

8:00 PM 40 Crestwood Road – David Leinberry, Jr.
The Board of Appeals held a public hearing on the request of David Leinberry, Jr. to vary the application of the present Zoning By-law by allowing a Special Permit for an addition to an existing single family house on a preexisting nonconforming property with less than the required side yard setback and exceeds the maximum height located at 40 Crestwood Road in a Shoreline Single Residence District. The new construction will be within the side yard setback and exceed the maximum height and 10% expansion limits for a non-conforming building. Attorney Paul Lynch and owner David Leinberry were present for the application. Mr. Lynch presented the application and explained that a minor change to design (façade) received a special permit from the Planning Board. The structure will not increase the footprint. No one spoke in favor or in opposition. Motion was made to close the hearing. A vote was taken to issue a special permit with build as shown and delay of permit and with the usual conditions. Drachman, Barlow, LaBrecque, Moriarty. All in favor.

8:15 PM 31 Gallison Avenue – Mark and Susan Lavoie
The Board of Appeals held on the request of Mark & Susan Lavoie to vary the application of the present Zoning By-law by allowing a Special Permit to construct additions to an existing single family house on a preexisting nonconforming property with less than the required front and side yard located at 31 Gallison Ave in a Single Residence District. The new construction will be within the front and side yard setbacks and exceed the 10% expansion limits for a non-conforming building. Craig Bosworth architect presented the application and submitted signatures from neighbors who are in support of the project. The existing split-level, single family him, built in the 1950s has nonconformities. The plan is to refurbish that will increase the height (creating a second floor) and will expand at the back of the house. The Chairman asked if there was anyone in the assembly to speak in favor or opposition of the project.

Susan Hulefeld of 6 West Orchard Street had concerns about how close the addition will be to the lot line and if there would be blasting during construction. Response was that the addition will be 5’ closer and that there won’t be blasting, excavation would include drilling into ledge. Motion was made to close the hearing.

A vote was taken to issue a special permit, acknowledging that the construction is quite a transformation and doubles the square footage. Drachman, Barlow, LaBrecque, Moriarty. All in favor.
8:00 PM  11 Evans Road – Anthony and Diana Aniello
The Board of Appeals held a public hearing on the request of Anthony & Diana Aniello to vary the application of the present Zoning By-law by allowing a Special Permit to construct additions to an existing single family house on a preexisting nonconforming property with less than the required lot area, lot width, frontage, side yard setback and parking located at 11 Evans Road in a Single Residence district. The new construction will be within the side yard setback and exceeds the maximum height and 10% expansion limits for a non-conforming building. Craig Bosworth gave a brief history of the property, commenting that there was a fire at the home last December. The house is on a very narrow lot. The proposed construction would fill in the space of the “L” shaped house, which would exceed the 10% height requirement. They plan to excavate below for a garage. The roof will not change, but the height is aggravated because of the lower area digging. Other work includes adding a bedroom, reconfiguring the kitchen, and a mudroom, and a covered porch. The Chairman asked if there was anyone in the assembly to speak in favor or opposition of the project. No one spoke in favor or opposition of the project. Motion was made to close the hearing. After a brief discussion the Board voted to issue a special permit for the undersized lot with the usual conditions. Drachman, Barlow, LaBrecque, Moriarty. All in favor.

8:30 PM  20 Ames Road – Victoria Fox
The Board of Appeals held a public hearing on the request of Victoria Fox to vary the application of the present Zoning By-law by allowing a Special Permit to construct additions to an existing single family house on a preexisting nonconforming property with less than the required lot area, frontage and side yard setback located at 20 Ames Road in a Single Residence District. The new construction will be within the front and side yard setbacks, have less than the required open area and exceed the 10% expansion limits for a non-conforming building. Bruce Greenwald (architect) with Victoria Fox (owner) presented the application. Mr. Greenwald reviewed the plans of the single family house, stating that Victoria’s parents would be moving in and they were creating space for multigenerational use. Victoria would live and work from the second floor; her parents would live downstairs. There would not be a kitchen on the second floor. There is an encroachment on the front yard; the open space calculation is a tough call. Mr. Greenwald tried to keep the addition compact. The Chairman asked if there was anyone in the assembly to speak in favor or opposition of the project. No one spoke in favor or opposition of the project. Motion was made to close the hearing. After a brief discussion the Board voted to issue a special permit with usual conditions and the condition that there would not be a stove on the second floor, and that the home must remain a single-family, and the shed will be relocated from the front yard to behind the house. Drachman, Barlow, LaBrecque, Moriarty. All in favor.

Administrative Hearing – 15 Weston Road – Sonnia Aquino
Sonnia Aquino and her husband Oscar, presented plans to change the windows and ceiling height (height is still under 35”) of their previously approved addition and renovations. The board voted in favor of the administrative changes.

Respectfully submitted,

Lisa Lyons
Senior Clerk, Engineering