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 Lower Level Conference Room at the Mary Alley Building at 7 Widger Road, Marblehead, Massachusetts. Present were Board members Moriarty, Barlow, Lipkind, Krasker, as well as Becky Curran, Town Planner and Rich Baldacci, Building Commissioner.

Administrative Hearing – 25 Lee Street - Shed Location on Property Line
Gail Smith appeared before the Board to on behalf of David and Cheryl Patten to address the location of a shed at 25 Lee Street (special permit approved on November 27, 2018). There was an error on the original survey showing the shed two feet from the property line (based on an original survey in 1999; measurements taken from the fence), however the shed was constructed on the property line. The neighbors are in support of the current shed being on the property line and in the same location as the previous shed. Veronica Hobson architect made a point that the shed was rebuilt on the same field stone location; the condition is not worsened, not expanded, not closer and that it was a matter of necessity that the shed be replaced. The Board voted on whether or not the change is a material change or not. Mr. Lipkind and Moriarty believed that the request is not a material change; Mr. Krasker (precedent setting) and Mr. Barlow (height of the shed) did believe the change is material in nature. The Board advised the Pattens to submit a ZBA application for the shed.

7:30 PM – 108 West Shore Drive – Calista Maharaj and Timothy Hlavac
The Board of Appeals held a public hearing on the request of Calista Maharaj & Timothy Hlavac to vary the application of the present Zoning By-law by allowing a Special Permit for the construction a deck around a tree as an accessory to an existing single family structure on a preexisting conforming property located at 108 West Shore Drive in a Single Residence District. The new construction will be within the front yard setback. The owners presented their application for a tree deck (platform with railing) with a front yard setback from Circle Street. The Board did not have any questions. No one spoke in favor or opposition. A motion was made and seconded to close the public hearing. All in favor 4-0. A motion was made and seconded to approve the special permit on the lot with a build as shown with the usual conditions. All in favor 4-0. Lipkind, Krasker, Barlow Moriarty.

7:30 PM – 8 Wyman Road – Anne Taylor (continued from July 23, 2019 – evidence taken)
The Board of Appeals held a public hearing on the request of Anne Taylor to vary the application of the present Zoning By-law by allowing a Special Permit for the construction of an addition to an existing single family structure on a preexisting nonconforming property with less than the required lot area, lot width, frontage, front yard and side yard setbacks located at 8 Wyman Road in a Single Residence District. The new construction will be within the side yard setback, further reduce the open area, and exceed the 10% expansion limits for a nonconforming building.
Paul Lynch, attorney, represented applicants Anne and Jim Taylor (absent for the meeting). Mr. Lynch referenced evidence taken at the July meeting and the concern about open area calculations. Minor modifications to the plans have been made that includes removing the deck at the rear of the property and removing the basement below the addition. These changes will result in a 1:1 ratio. Additionally, a conversation held with the neighbors at 6 Wyman Road resulted in including a condition in the special permit (if granted) that would state that there would not be exterior work conducted on Saturdays or on weekdays before 7:00 a.m. or after 5:00 p.m. All water runoff will remain on the property; a drywell will be added to diminish water runoff (agreed to at the last hearing). There will be no use of compressors, no lighting, and no windows facing 6 Wyman (an undefined architectural feature will be designed and put in place where windows might’ve been). The Chairman asked if there was anyone to speak in favor or opposition of the project. Francis Rafferty, represented Alex and Catherine Quatrano at 6 Wyman Road, a direct abutter, commented that there isn’t much of an impact with removal of basement and expressed concerns that the property would be overdeveloped and would cut off light and back yard views. No one else spoke in favor or opposition. Mr. Lynch presented a letter of support from Betty Spellios at 10 Wyman Road. A motion was made to close the hearing. All in favor 4-0. A brief discussion took place about the rationale for the project, future living one floor. A motion was made and seconded to approve the special permit with usual conditions. All in favor 4-0. Lipkind, Krasker, Barlow, Moriarty.

7:45 PM – 149 Humphrey Street – Thomas and Stephanie Testa
The Board of Appeals held a public hearing on the request of Thomas and Stephanie Testa to vary the application of the present Zoning By-law by allowing a Special Permit for the construction an addition on an existing single family structure on a preexisting nonconforming property with less than the required lot area, lot width, side yard and rear yard setbacks and tandem parking located at 149 Humphrey Street in a Single Residence District. The new construction will be within the side yard setback. Mr. Testa presented his application to take down a screened-in porch and build a bedroom. He said that he spoke with neighbors about the project and has support from Steadmans (147 Humphrey Street), Talbots, Shepards (5 Charlotte Road). A motion was made to close the hearing. All in favor 4-0. A motion was made and seconded to approve the special permit on an undersized lot with usual conditions. All in favor 4-0. Lipkind, Krasker, Barlow, Moriarty.

7:45 PM – 55 Gregory Street – Steven Timmons
The Board of Appeals held a public hearing on the request of Steven Timmons to vary the application of the present Zoning By-law by allowing a Special Permit for the construction a detached garage as an accessory to an existing single family structure on a preexisting nonconforming property with less than the required lot area located at 55 Gregory Street in a Central Residence District. The new construction will further reduce the open area and exceed the 10% expansion limit. A letter from neighbors, Kenneth and Barbara Young, immediate abutters on 56 Hawkes Street, expressing concern about the proposed structure’s size and proximity to their property was shared with the Board. Paul Lynch, attorney, conferred with applicant Steven Timmons and decided to continue the hearing to September 24, 2019. The Board voted to continue the hearing. No evidence taken. All in favor. 4-0. Lipkind, Krasker, Barlow, Moriarty. The hearing will take place at 8:00 p.m. on September 24, 2019.
8:00 PM – 15 Rowland Street – Noah Hendy
The Board of Appeals held a public hearing on the request of Noah Hendy to vary the application of the present Zoning By-law by allowing a Special Permit for the construction of additions on an existing single family structure on a preexisting non-conforming property with less than the required rear yard setback and parking located at 15 Rowland Street in a Central Residence District. The new construction will be within the rear yard setback and exceed the 10% rule for expansion of a non-conforming structure. Attorney Paul Lynch presented the application for a new addition for a study and mudroom of 317 square feet with no further encroachment. Additionally, an exterior staircase will be removed and replaced with a spiral staircase. Neighbors Cameron and Liz Weinstein at 9 Roland Street spoke in favor of the project. A motion was made to close the hearing. All in favor 4-0. A motion was made and seconded to approve the special permit with usual conditions. All in favor 4-0. Lipkind, Krasker, Barlow, Moriarty.

Administrative Hearing – 47 Atlantic Avenue – Chairlift for ADA Compliance
Greg Cassanos presented his request to install a chairlift at 47 Atlantic Avenue (special permit issued on June 26, 2018) at a location where stairs were originally planned. Currently there are temporary stairs in place for the workers to use; stairs are not up to code. The lift would be accessible from the lot and extends into the side yard. The Board was tasked with having to make a judgment about whether or not the change was material in nature. The Board voted and determined that the request is a material change. All in favor 4-0. The Board requested that a full application be submitted with precise dimensions and a survey identifying the location of the lift.

Administrative Hearing – 20 Ames Admin Hearing – Reduce the Scope of Work
Bruce Greenwald and Victoria Fox presented the administrative request for reducing the scope of work on a previously granted special permit on April 23, 2019. Mr. Greenwald handed out a new survey showing the changes and indicated that they are reducing the scope of work for the addition, taking out the second floor so that it will just be attic space. The gross square footage is reduced. The garage goes away and becomes a bedroom. The Board voted on whether or not the requested change was material (yes vote) or not material (no vote). All voted that the change is not material 4-0. The request for the administrative change to reduce the scope was approved. All in favor 4-0.

Respectfully submitted,

Lisa Lyons
Senior Clerk, Engineering