



TOWN SEAL
tel: 781-631-1529

fax: 781-631-2617
Revision Date: 12-14-15

Town of Marblehead
ZONING BOARD OF APPEALS

Mary A. Alley Municipal Building
7 Widger Road, Marblehead, MA 01945

ZBA APPLICATION

PAGE 1 of 3

RECEIVED
MARBLEHEAD
TOWN CLERK

2020 JUL 28 AM 8:35

Town Clerk

Project Address 11 KENNETH RD

Assessor Map(s) 157 Parcel Number(s) 10

OWNER INFORMATION

Signature [Signature] date 7/23/20

Name (printed) Chris Hester

Address 11 Kenneth Rd

Phone Numbers: home 314/249-0335 work _____

E-mail christinehesterapp@gmail.com fax _____

APPLICANT or REPRESENTATIVE INFORMATION (if different from owner)

Signature _____ date _____

Name (printed) _____

Address _____

Phone Numbers: home _____ work _____

E-mail _____ fax _____

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

~ SEE ATTACHED ~

- 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)

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

Reviewed by
Building Department
For Zoning Board
Of Appeals

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

Town of Marblehead
ZBA-APPLICATION
Page 2 of 3

Revision Date: 12-14-2015

Project Address 11 KENNETH RD. Map(s) / Parcel(s) 157/10

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 ☒ No ☐ (explain) _____

PROPOSED CHANGE OF USE

No ☒ Yes ☐ (explain) _____

PROPOSED CONSTRUCTION QUALIFIES AS "Building New" (§200-7) Yes ☐ No ☐

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(4) 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(4) 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 <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| Historic District Commission | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| Planning Board | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |

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For Zoning Board
Of Appeals

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

Yes ☒ No ☐ (explain) _____

Building Official  Date 7/23/2020

Town of Marblehead
ZBA-APPLICATION
Page 3 of 3

Revision Date: 12-14-2015

Project Address 11 KENNETH RD. Map(s) / Parcel(s) 157 / 10

NET OPEN AREA (NOA)

Lot area = A

EXISTING

PROPOSED

Area of features

footprint of accessory building(s)

footprint of building

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

number of required parking spaces _____ x (9' x 20' per space)

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

other areas (explain) _____

Sum of features = B

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

GROSS FLOOR AREA (GFA)

accessory structure(s)

basement or cellar (area >5' in height)

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

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

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

4th floor (12' or less in height)

attic (area >5' in height)

area under deck (if >5' in height)

roofed porch(es)

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

Proposed total change in GFA = (proposed GFA - existing GFA) = (170 #)

Percent change in GFA = (proposed total change in GFA ÷ existing GFA) x 100 = (4.1) %

Existing Open Area Ratio = (existing NOA ÷ existing GFA) = 2.07

Proposed Open Area Ratio = (proposed NOA ÷ proposed GFA) = 2.14

This worksheet applies 1. plan by/dated TAPROOT DESIGN INC. 7.20.20
to the following plan(s): 2. plan by/dated NORTH SHORE SURVEY
3. plan by/dated _____

Building Official _____

Date 7/23/2020

ZONING BOARD OF APPEALS

Applicant: David & Christine Hester

Address: 11 Kenneth Road (Map 157, Parcel 10)

District: Shoreline Single Residence

Relief: We are requesting a Special Permit to amend the approved application for 11 Kenneth Road.

The existing structure exceeds the front setback by 2' +/- at the step and 1' +/- at the porch, the right side setback by 17.1' +/-, the left setback by 16.6' +/-, and the height by 5.2'. The structure sits on a lot with less than the required frontage and width.

The proposed second floor addition will exceed the left setback by 9' +/-.

With a net GFA decrease of 170 sf, the proposed structure would decrease the overall GFA by 4.1% and increase the Open Area Ratio from 2.07 to 2.16.

- Proposal: The proposal before the board includes:
- The second floor expansion over the right rear corner of the main volume of the home (family room). The expansion conforms to all setbacks.
 - The expansion of the second floor bay to the right and left of the previously approved bay. The original 7'-6" bay will be increased to 11'-0".
 - Lowering the mid-level deck to be flush with the basement patio. This decreases the height under the deck to 4'-6" +/- and results in a net decrease of the total GFA.

This space reserved for the Registry of Deeds

**TOWN OF MARBLEHEAD
DECISION OF
THE BOARD OF APPEALS**

**on
Application of
David and Christine Hester
For a Special Permit
For 11 Kenneth Road
Marblehead, MA**

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

**David and Christine Hester
(the "Petitioner")**

Requesting a Special Permit under the Zoning By-Laws approving the addition to the existing single-family dwelling on a nonconforming lot with less than the required lot width, frontage, front yard setback, side yard setback and height. The property is located at **11 Kenneth Road** in a **Shoreline Single Residence District**.

All statutory requirements relating to publication and notice were duly complied with including timely publication in the Marblehead Reporter, a local newspaper. 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 given.

The Public Hearing was called to order at or after 7:45 PM in the Mary Alley Municipal Building, 7 Widger Road, on October 22, 2019. The Board Members present and sitting on the hearing were:

| | |
|-----------|---------------------|
| Chairman: | William R. Moriarty |
| Members: | William Barlow |
| | Alan Lipkind |
| | Bruce Krasker |
| | Benjamin LaBrecque |

The following documents were filed with the Petition and constitute a part of the permanent record of the Board:

The Plot Plan entitled " Zoning Board of Appeals Plan, 11 Kenneth Road, Marblehead, Property of David & Christine Hester" Dated September 16, 2019 by North Shore Survey Corporation (the "Plan")

Architectural Plans and Renderings prepared by Taproot Design, Inc dated 09/10/2019 scale 1/8" = 1'-0 consisting of the following sheets:

- EX 1 Existing First Floor Plan
- A 1 Proposed First Floor Plan
- EX2 Existing Second Floor Plan
- A2 Proposed Second Floor Plan
- EX3 Existing Basement Plan
- A 3 Proposed Basement Plan
- EX4 Existing Front & Left Side Elevations
- A 4 Proposed Front & Left Side Elevations
- EX5 Existing Rear and Right Side Elevations
- A5 Proposed Rear & Right Side Elevations

The Petitioner by its attorney Paul M. Lynch explained the petition as follows:

The property, at 11 Kenneth Road consists of a lot of 11,090 square feet and contains a single-family dwelling with an attached one-car garage. The applicant desires to add a new covered entry to the front of the dwelling, a family room on the rear of the dwelling which would square off the building as well as an office between the main house and garage on the first floor level. In addition two decks will be constructed at the rear which will be mostly within the required setbacks as well as access stairs which will have a 12 foot setback but which abuts a Town 10 foot public way.

Neither the front elevation at 23 feet or the rear elevation at 35'2" will change in height.

The completed open area ratio will be 1:2.07

An Order of Conditions issued by the Conservation Commission and a Site Plan Special Permit issued by the Planning Board were presented to the Board as well as letters of support from the abutters and neighbors.

After the Petitioner's presentation, the Board opened the hearing to the general public for comment.

No one spoke in favor or opposition.

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

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; and
 - b. The specific site is an appropriate location for such use or building; and
 - c. The use as developed will not adversely affect the neighborhood; and
 - d. There will be no nuisance or serious hazard to vehicles or pedestrians; and
 - e. Adequate and appropriate facilities will be provided for the proper operation of the proposed use.

Decision

Whereupon the Board, after discussion and comments that the project met the Special Permit criteria, voted: To grant a Special Permit with the following conditions:

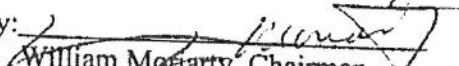
- This Special Permit is issued on the condition that there shall be no construction at any time following the vote of the Board of Appeals which either differs from the construction set forth on the drawings approved and stamped by the Board of Appeals by that vote, or which is inconsistent with this Decision and these conditions, without the Petitioner obtaining prior written approval from the Board of Appeals for such construction.
- This Special Permit is issued on the condition that no demolition, building or occupancy permit, whether temporary, conditional or permanent, shall issue for the proposed work approved by this Decision unless and until a copy of this four (4) 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. The application for and/or issuance of any such permit prior to the recording of the endorsed copy of this Decision shall render the Special Permit granted herein null and void.

- 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 Petitioner obtaining prior written approval from the Board of Appeals for such construction.
- If the Petitioner shall exercise any rights of construction under a duly appealed Special Permit such rights shall be at the Petitioner's 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.

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

| | |
|-----------|---------------------|
| Chairman: | William R. Moriarty |
| Members: | Alan Lipkind |
| | William Barlow |
| | Bruce Krasker |
| | Benjamin LaBrecque |

BOARD OF APPEALS
TOWN OF MARBLEHEAD

By: 
William Moriarty, Chairman

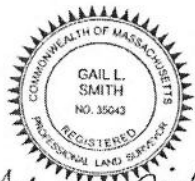
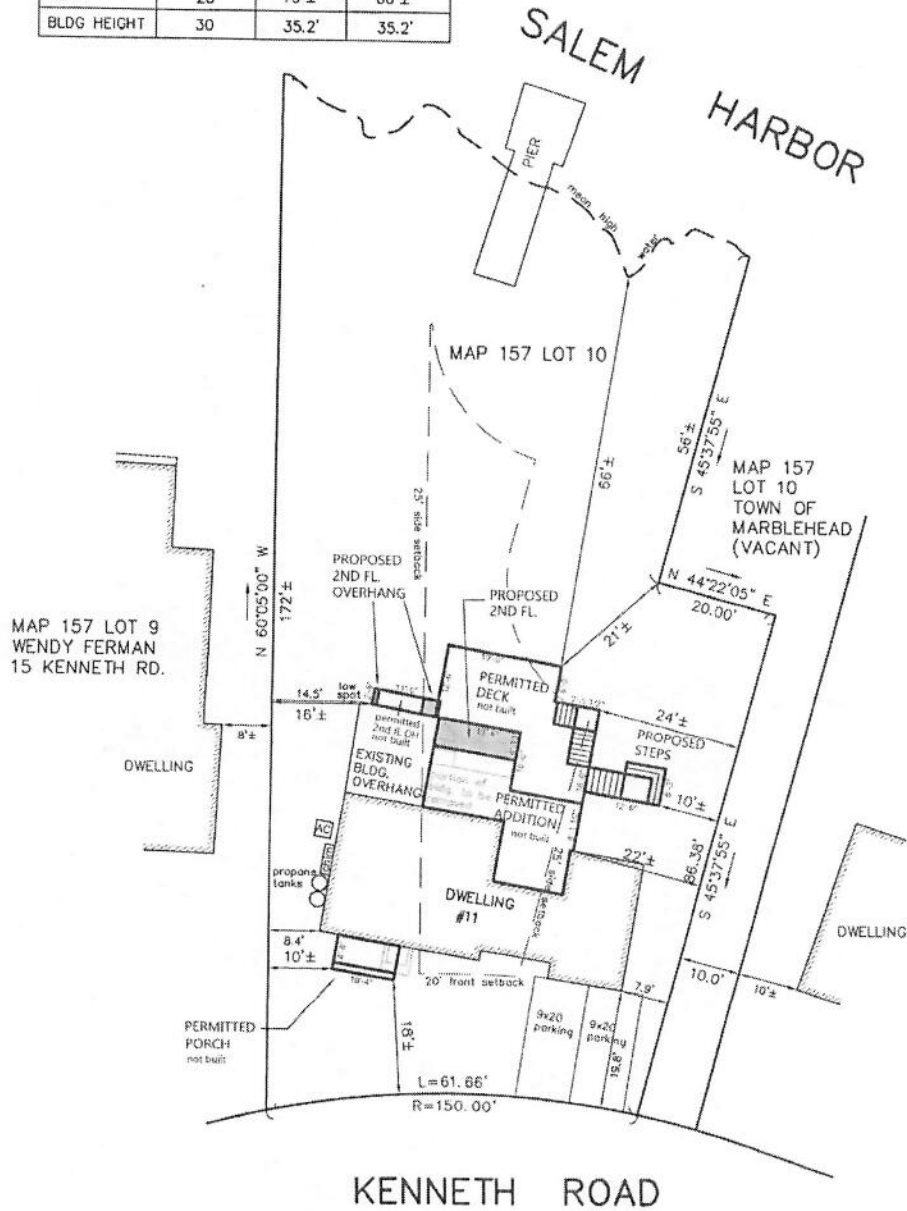
Decision filed with Town Clerk _____, on _____ at _____

04:11 PM 4-ACN 6:02

FILED
APR 11 2002
TOWN OF MARBLEHEAD
CLERK

ZONING DISTRICT - SHORELINE SINGLE RESIDENCE

| | REQUIRED | EXISTING | PROPOSED |
|-------------|----------|----------|----------|
| LOT AREA | 10000 | 11,090 | 11,090 |
| FRONTAGE | 100 | 61.66' | 61.66' |
| FRONT | 20 | 19.8' | 18'± |
| SIDE | 25 | 7.9' | 10'± |
| REAR | 25 | 79'± | 66'± |
| BLDG HEIGHT | 30 | 35.2' | 35.2' |



Gail L. Smith

Reviewed by
Building Department
For Zoning Board
Of Appeals

ZONING BOARD OF APPEALS PLAN

11 KENNETH ROAD

MARBLEHEAD

PROPERTY OF

DAVID & CHRISTINE HESTER

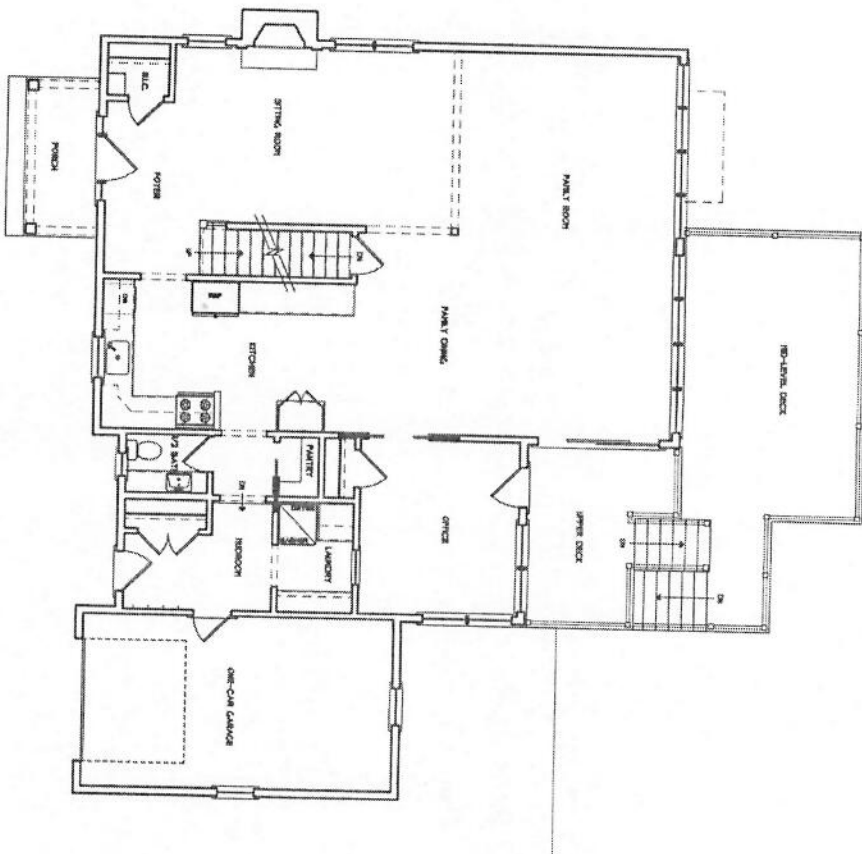
SCALE 1" = 20' JULY 22, 2020

NORTH SHORE SURVEY CORPORATION

14 BROWN ST. - SALEM, MA

(978) 744-4800

#3818



1 EXISTING/APPROVED FIRST FLOOR PLAN

Reviewed by
Building Department
For Zoning Board
Of Appeals

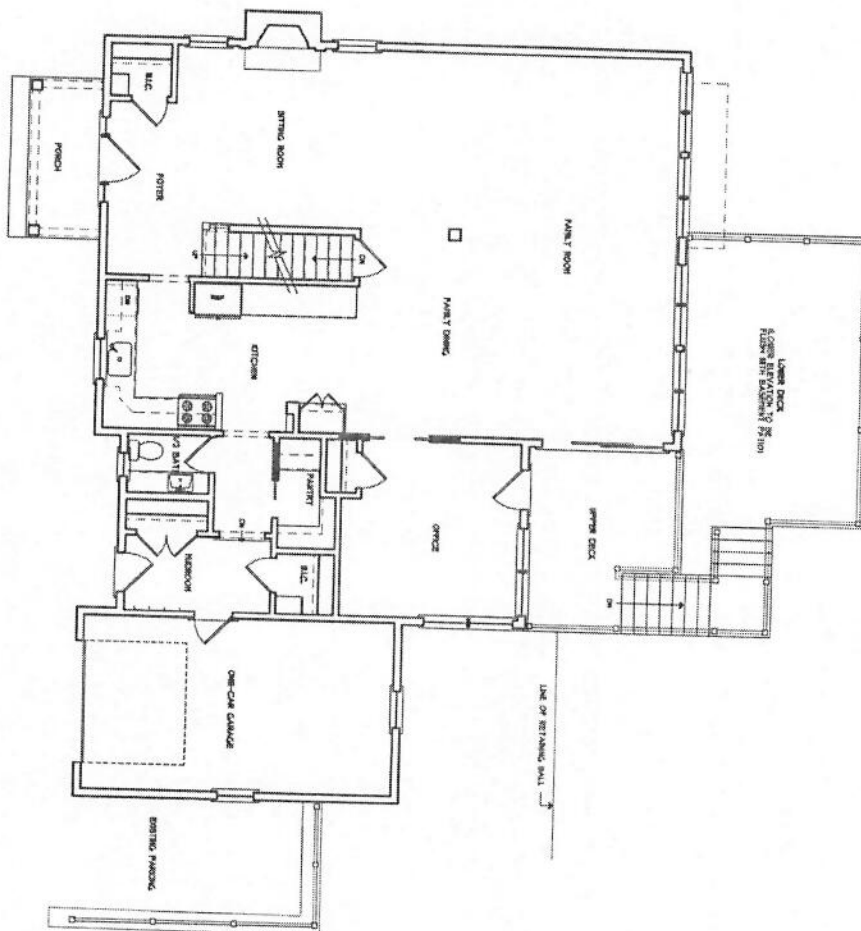
HESTER RESIDENCE
11 KENNETH ROAD
MARBLEHEAD, MASSACHUSETTS

TAPROOT
DESIGN
INC.

37 Birch Street
Marblehead, MA 01945
Tel 781.639.4616
Cell 781.664.2304

scale: 1/8"=1'-0"
date: 01/20/20
drawn by: VLH

EX-1



1 PROPOSED FIRST FLOOR PLAN

Reviewed by
Building Department
For Zoning Board
Of Appeals

HESTER RESIDENCE
11 KENNETH ROAD
MARBLEHEAD, MASSACHUSETTS

TAPROOT
DESIGN
INC.

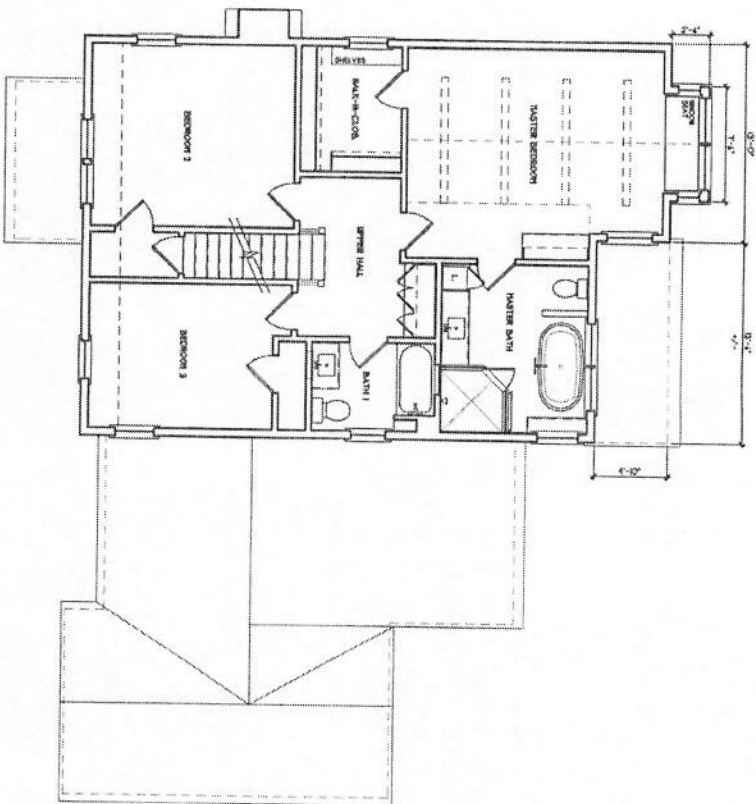
37 Birch Street
Marblehead, MA 01945
Tel 781.638.4616
Cell 781.664.2304

scale: 1/8" = 1'-0"

date: 01/20/20

drawn by: VLH

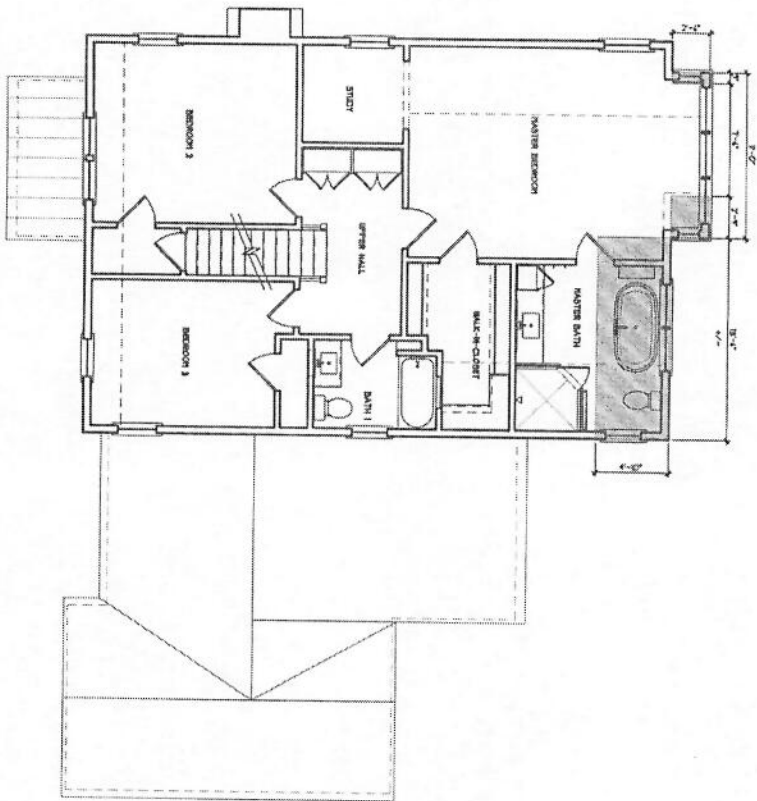
A-1



1 EXISTING/APPROVED SECOND FLOOR PLAN

Reviewed by:
Building Department
For Zoning Board
Of Appeals

| | | |
|---|---|-------------|
| <p>HESTER RESIDENCE 11 KENNETH ROAD MARBLEHEAD, MASSACHUSETTS</p> | <p>TAPROOT DESIGN INC.</p> <p>37 Birch Street Marblehead, MA 01945 Tel 781.639.4616 Cell 781.964.2304</p> <p>scale: 1/8"=1'-0"</p> <p>date: 01/20/20</p> <p>drawn by: YLH</p> | <p>EX-2</p> |
|---|---|-------------|



2 PROPOSED SECOND FLOOR PLAN

Reviewed by
Building Department
For Zoning Board
Of Appeals

HESTER RESIDENCE
11 KENNETH ROAD
MARBLEHEAD, MASSACHUSETTS

TAPROOT
DESIGN
INC.

37 Birch Street
Marblehead, MA 01945

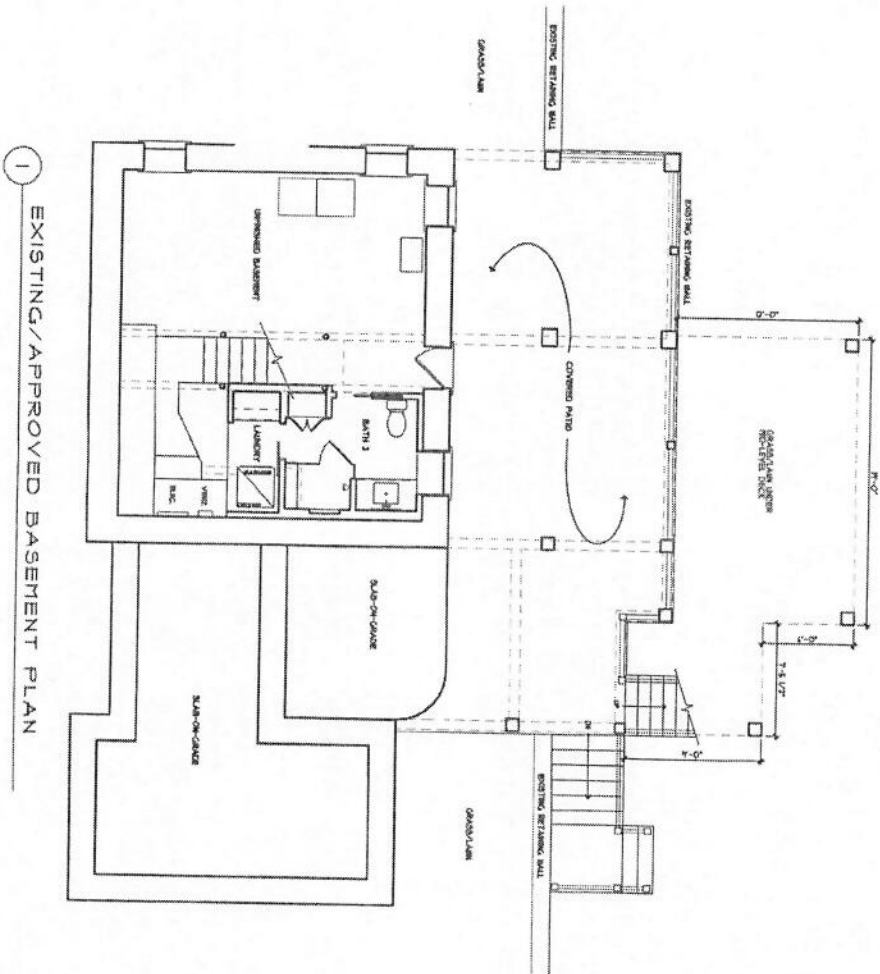
Tel 781.638.4616
Cell 781.894.2304

scale: 1/8"=1'-0"

date: 01/20/20

drawn by: VLH

A.2



1 EXISTING/APPROVED BASEMENT PLAN

Reviewed by
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For Zoning Board
Of Appeals

HESTER RESIDENCE
11 KENNETH ROAD
MARBLEHEAD, MASSACHUSETTS

TAPROOT
DESIGN
INC.

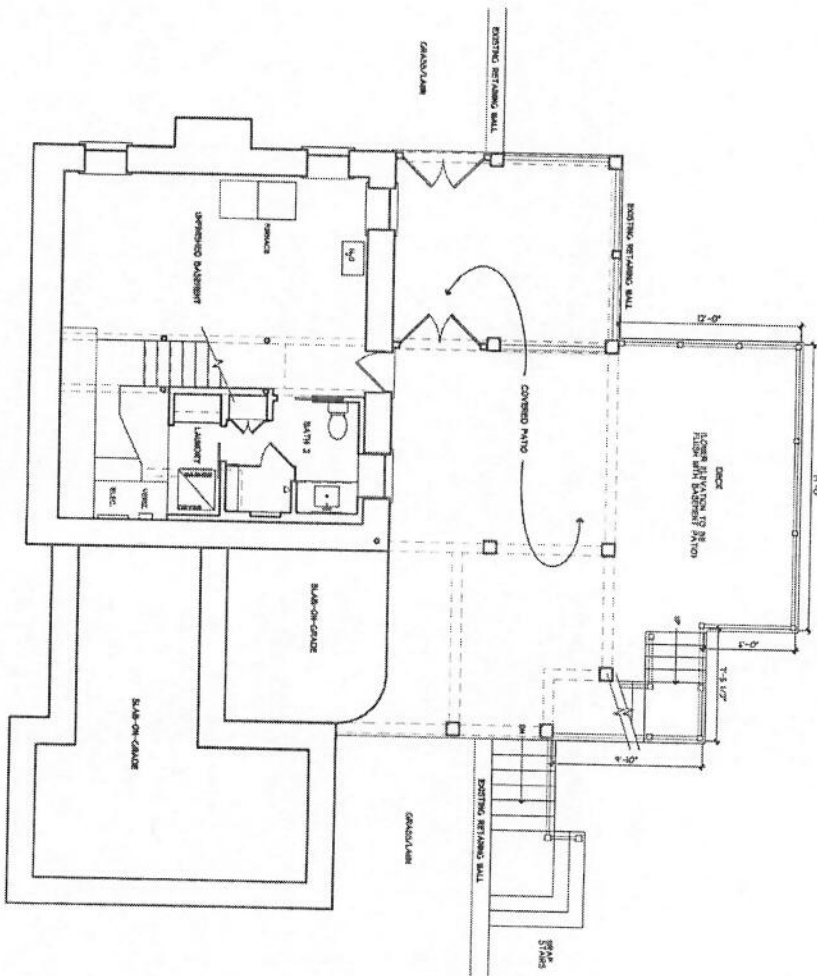
37 Birch Street
Marblehead, MA 01945
Tel 781.639.4616
Cell 781.864.2304

scale: 1/8"=1'-0"

date: 07/20/20

drawn by: VLH

Ex-3



1 PROPOSED BASEMENT PLAN

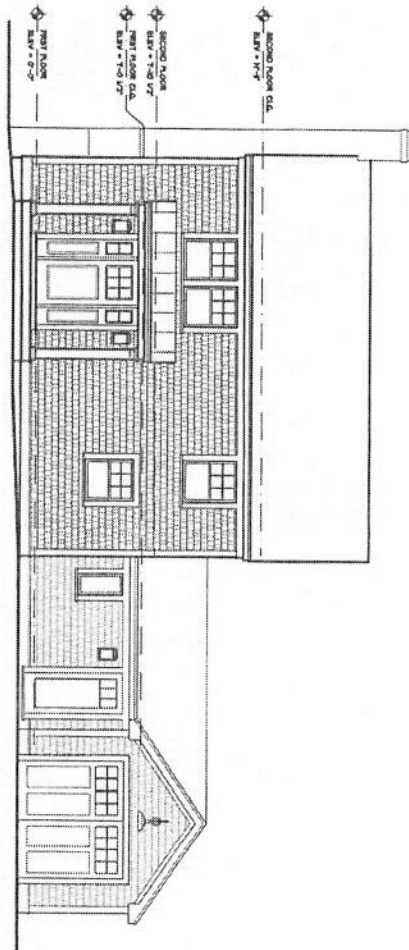
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For Zoning Board
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HESTER RESIDENCE
11 KENNETH ROAD
MARBLEHEAD, MASSACHUSETTS

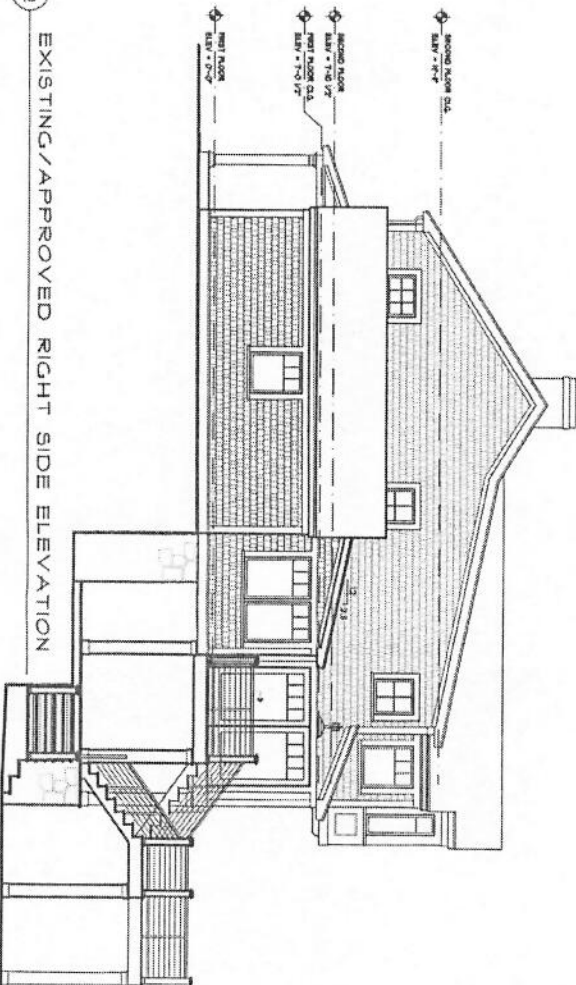
TAPROOT
DESIGN
INC.

37 Birch Street
Marblehead, MA 01945
Tel 781.639.4616
Cell 781.684.2304
scale: 1/8"=1'-0"
date: 01/20/20
drawn by: YLH

A.3



1 EXISTING/APPROVED FRONT ELEVATION



2 EXISTING/APPROVED RIGHT SIDE ELEVATION

Reviewed by
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For Zoning Board
Of Appeals

HESTER RESIDENCE
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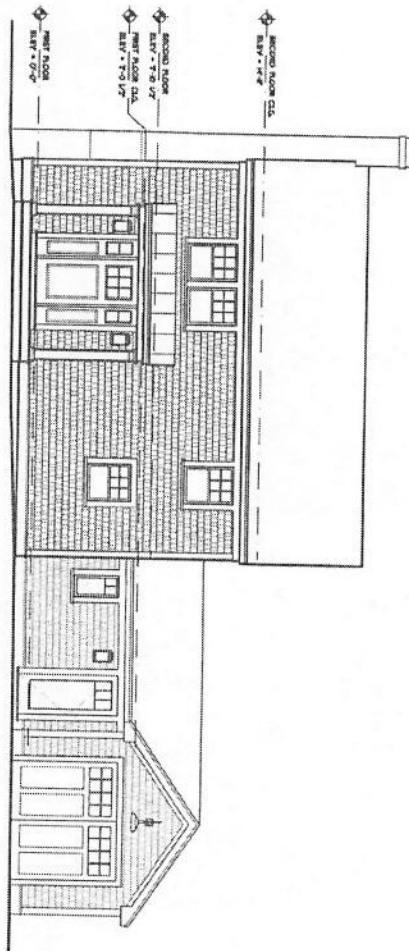
Tel 781.639.4616
Cell 781.664.2304

scale 1/8"=1'-0"

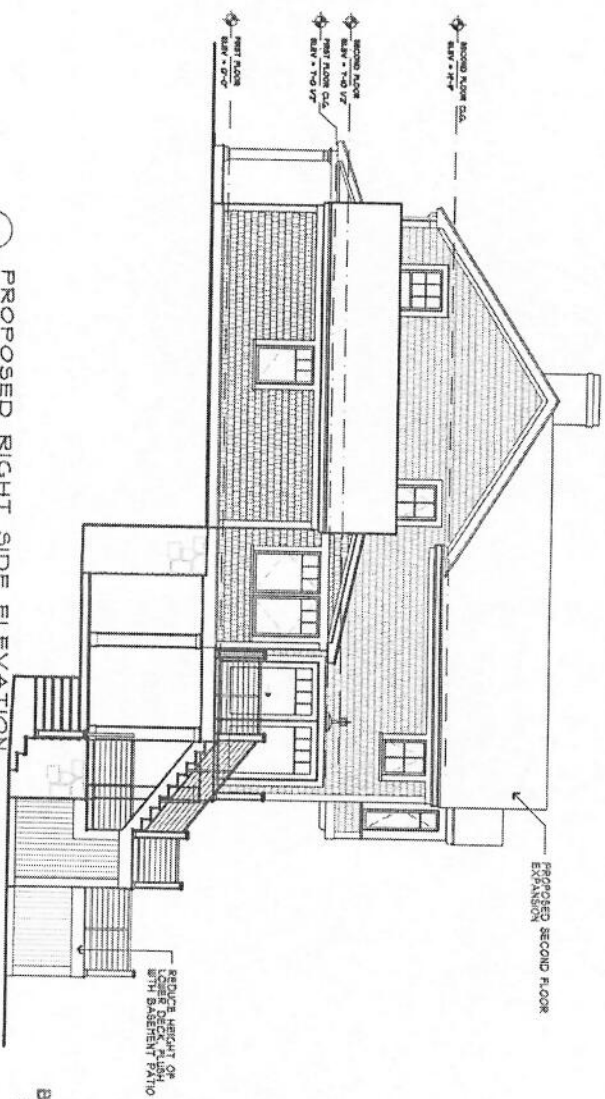
date 01/20/20

drawn by: V.L.H

EX-4



1 PROPOSED FRONT ELEVATION



2 PROPOSED RIGHT SIDE ELEVATION

Reviewed by:
Building Department
For Zoning Board
Of Appeals

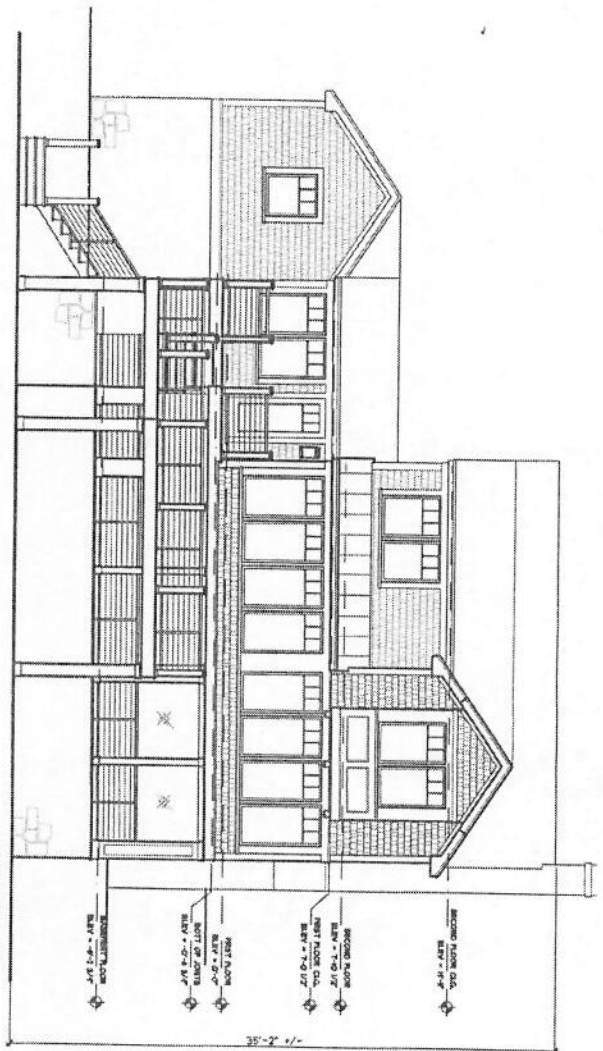
HESTER RESIDENCE
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MARBLEHEAD, MASSACHUSETTS

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Tel. 781.638.4616
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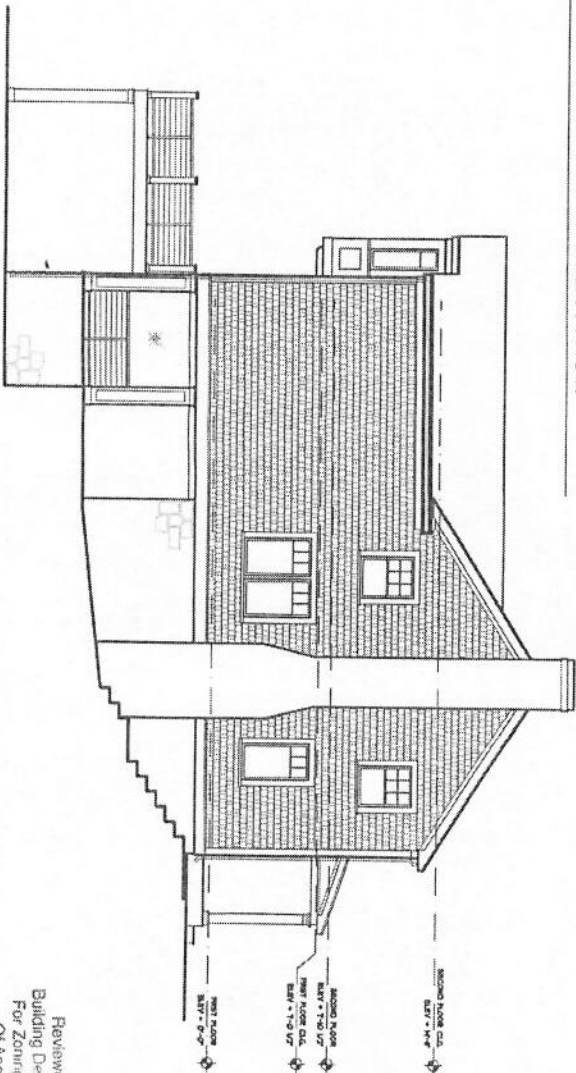
scale: 1/8"=1'-0"
date: 01/20/20
drawn by: VLH

A-4



1 EXISTING/APPROVED REAR ELEVATION

EXISTING 1 PROPOSED
LOW ELEVATION



2 EXISTING/APPROVED LEFT SIDE ELEVATION

Reviewed by
Building Department
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Of Appeals

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11 KENNETH ROAD
MARBLEHEAD, MASSACHUSETTS

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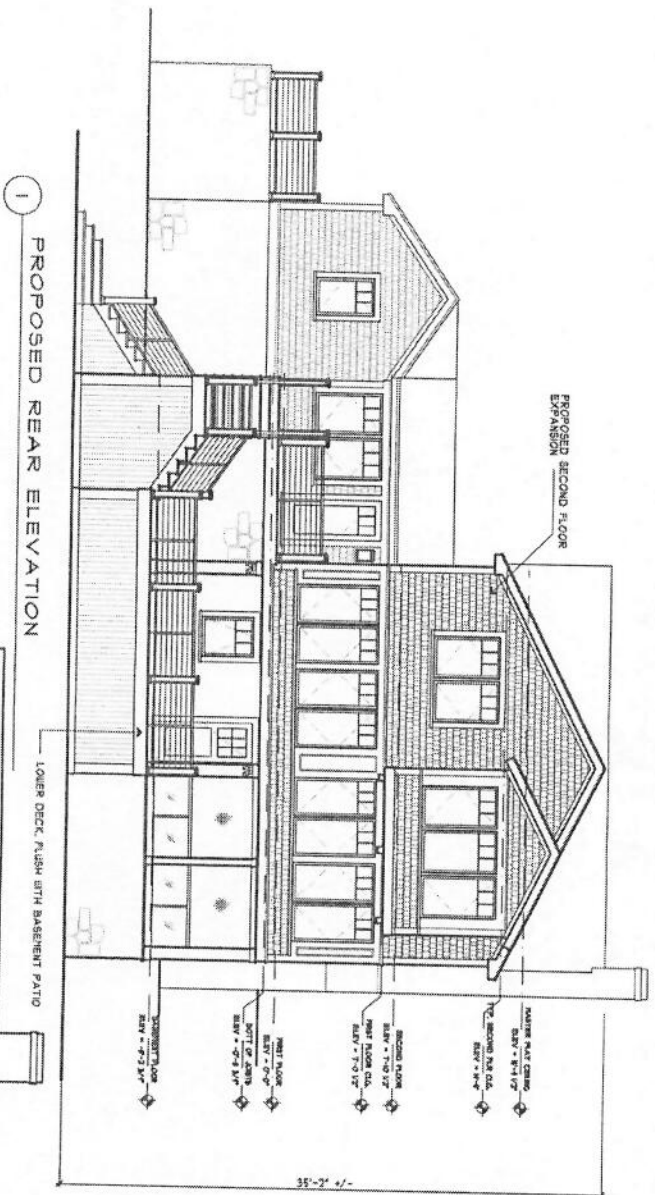
Tel 781.639.4616
Cell 781.864.2304

scale: 1/8"=1'-0"

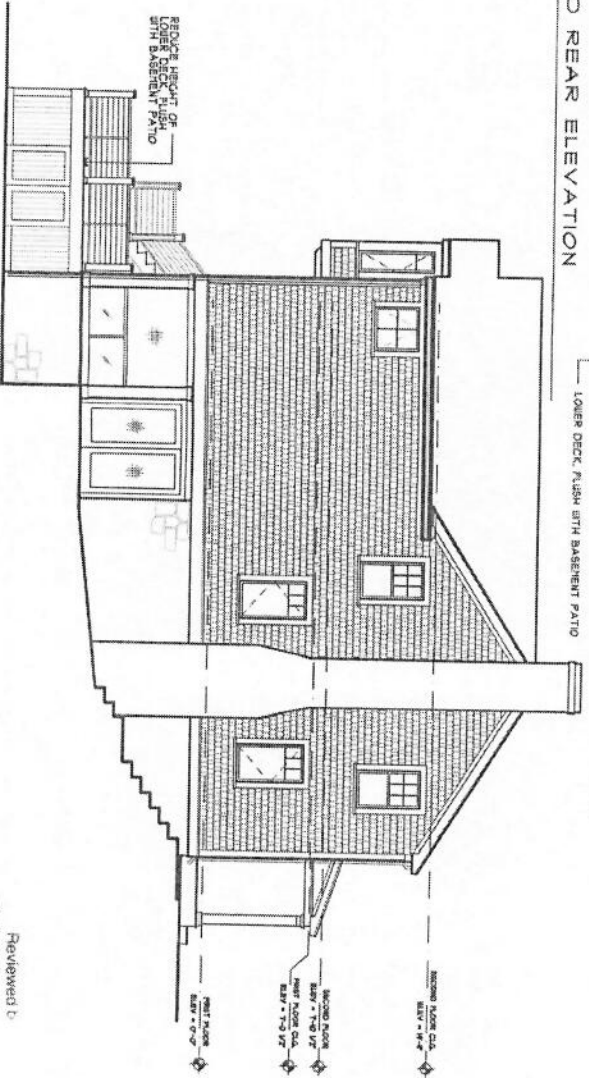
date: 01/20/20

drawn by: VLH

Ex:5



1 PROPOSED REAR ELEVATION



2 PROPOSED LEFT SIDE ELEVATION

Reviewed by
Building Depart.
For Zoning Board
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A.5