



Town of Marblehead
ZONING BOARD OF APPEALS

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

TOWN SEAL

tel: 781-631-1529

fax: 781-631-2617

Revision Date: 12-14-15

200 NOV 19 AM 11:22

Town Clerk

ZBA APPLICATION
PAGE 1 of 3

Project Address 149 Pleasant Street

Assessor Map(s) 116

Parcel Number(s) 19

NOV 19 2020

OWNER INFORMATION

Signature

Name (printed) Paone Family Real Estate Trust

date

Address 44 Prince Street, Unit 210, Boston, MA 02113

Phone Numbers: home 781-888-1499

work

E-mail c/o lynch@marbleheadlaw.com

fax

APPLICANT or REPRESENTATIVE INFORMATION (if different from owner)

Signature

Name (printed) Paone Family Real Estate Trust

date 11-17-20

Address c/o Paul M. Lynch, Esq., Zero Spring Street, AMrblehead, MA 01945

Phone Numbers: home

work 781-631-7808

E-mail lynch@marbleheadlaw.com

fax

PROJECT DESCRIPTION & RELIEF REQUESTED (attach additional page if necessary)
Speciall Permit to raze the existing building and construct a new
combined residential and nonresidential building on a lot with less than the
required lot area , side yard setback and parking.

- 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;
- 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)

[Signature]

11-18-2020

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

Town of Marblehead
ZBA-APPLICATION

Revision Date: 12-14-2015

Page 2 of 3

Project Address 149 Pleasant Street

ZONING DISTRICT (circle all that apply) Map(s) / Parcel(s) 116/19

B (B1) BR CR SCR ECR GR SGR SR SSR ESR SESR HBR U SU
CURRENT USE (explain) nonresidential

CURRENT USE CONFORMS TO ZONING (Article IV, Table 1)
Yes ☒ No ☐ (explain) _____

PROPOSED CHANGE OF USE
No ☐ Yes ☒ (explain) change to combined nonresidential and residential use

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 type="checkbox"/> | No <input checked="" 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"/> |

DESIGN & SURVEY PLANS MEET ZBA-RULES & REGULATIONS (Sections 3(A) and 3(C))
Yes ☒ No ☐ (explain) _____

Building Official [Signature] Date 11-18-2020

**Town of Marblehead
ZBA-APPLICATION**

Page 3 of 3

Revision Date: 12-14-2015

Project Address 149 Pleasant Street

Map(s) / Parcel(s) 116/19

NET OPEN AREA (NOA)

| | | |
|-------------------------------------------------------------------|-----------------|-----------------|
| Lot area = A | <u>EXISTING</u> | <u>PROPOSED</u> |
| Area of features | 4,890 | 4,890 |
| footprint of accessory building(s) | 0 | 0 |
| footprint of building | 782 | 1,098 |
| footprint of deck(s), porch(es), step(s), bulkhead(s) | 65 | 56 |
| number of required parking spaces <u>5</u> x (9' x 20' per space) | 324 | 810 |
| area of pond(s), or tidal area(s) below MHW | 0 | 0 |
| other areas (explain) _____ | 0 | 0 |
| Sum of features = B | 1,202 | 1,964 |
| Net Open Area (NOA) = (A - B) | 3,773 | 2,926 |

GROSS FLOOR AREA (GFA)

| | | |
|--------------------------------------------------------------------------------------------------|-----|-------|
| accessory structure(s) | 0 | 0 |
| basement or cellar (area > 5' in height) | 0 | 1,116 |
| 1st floor (12' or less in height) <small>NOTE: [for heights exceeding 12' see definition</small> | 782 | 1,098 |
| 2nd floor (12' or less in height) | 0 | 1,116 |
| 3rd floor (12' or less in height) | 0 | 0 |
| 4th floor (12' or less in height) | 0 | 0 |
| attic (area > 5' in height) | 0 | 0 |
| area under deck (if > 5' in height) | 0 | 0 |
| roofed porch(es) | 14 | 18 |
| Gross Floor Area (GFA) = sum of the above areas | 796 | 3,348 |

| | |
|-------------------------------------------------------------------------------------------|-----------|
| <u>Proposed total change in GFA</u> = (proposed GFA - existing GFA) | = 2,552 |
| <u>Percent change in GFA</u> = (proposed total change in GFA ÷ existing GFA) x 100 | = 320.0 % |
| <u>Existing Open Area Ratio</u> = (existing NOA ÷ existing GFA) | = 1:4.74 |
| <u>Proposed Open Area Ratio</u> = (proposed NOA ÷ proposed GFA) | = 1: .87 |

This worksheet applies 1. plan by/dated Tucker Architure /11/12/2020
to the following plan(s): 2. plan by/dated Hancock Survey Associates/ 10/12/2020
3. plan by/dated _____

Building Official _____

Date 11-18-2020

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

**on
Application of
Paone Family Real Estate Trust
For a Special Permit
For 149 Pleasant Street
Marblehead, MA**

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

**Paone Family Real Estate Trust
(the "Petitioner")**

Requesting a Special Permit under the Zoning By-Laws approving the addition to the existing commercial building and changing the use to a combined residential and nonresidential building with two residential units on the second floor on a nonconforming lot with less than the required lot area, side yard setback and parking. The property is located at **149 Pleasant Street** in a **B 1 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 8:15 PM in the Selectmen's Room, Abbot Hall, 188 Washington Street, on May 28, 2019. The Board Members present and sitting on the hearing were:

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

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

The Plot Plan entitled PLOT PLAN of Land 149 Pleasant Street, Marblehead, MA. Prepared for Mr. Claudio Paone dated 4/23/19, drawn by Hancock Survey Associates, Inc., 185 Centre Street, Danvers, MA 01923 (the "Plan")

Architectural Plans and Renderings prepared by Tucker Architecture & Landscape dated April 24, 2019 scale 1/4" = 1'-0" consisting of the following sheets:

| | |
|-----|--------------------------------------------------------|
| CVR | COVER SHEET |
| 1 | Site Plan Diagram |
| XX2 | EXISTING FIRST FLOOR PLAN |
| 2 | PROPOSED FLOOR PLANS |
| XX3 | EXISTING ROOF PLAN |
| 3 | PROPOSED ROOF PLAN |
| 4 | PROPOSED SECOND FLOOR PLAN |
| XX4 | EXISTING BUILDING ELEVATIONS (southwest and southeast) |
| 4 | PROPOSED BUILDING ELEVATIONS (southwest and southeast |
| XX5 | EXISTING BUILDING ELEVATIONS (northeast & northwest) |
| 5 | PROPOSED BUILDING ELEVATIONS (northeast & northwest) |
| 6a | PERSPECTIVES |
| 6b | PERSPECTIVES |

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

The property, at 149 Pleasant Street consists of 4,980 square feet and contains a small commercial building owned by the applicant. The applicant desires to construct a second story addition over the existing building and a two-story addition at the rear of the building which will have covered parking with two residential units on the second level. The addition over the existing building will maintain the same setbacks and the rear addition will conform to all dimensional regulations for the district.

Attorney Lynch informed the Board that the applicant by their architect appeared before the Design Review Board for two hearings on the proposal and adopted all the recommendations of said Board. A memorandum of the findings of the Design Review Board was presented to the Board and introduced into evidence.

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

Richard Rockett, Trustee of the owner of Village Plaza, questioned the parking on the premises. The Board was informed by Attorney Lynch that a traffic analysis was presented to the Design Review Board confirming adequate traffic flow for access to the parking spaces.

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 parking spaces and the southern boundary of the property shall be lined to show their location.

- All construction materials and vehicles will be located on site and not encroach on abutting property or Pleasant Street.

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

| | | |
|-----------|---------------------|-----|
| Chairman: | William R. Moriarty | YES |
| Members: | Alan Lipkind | YES |
| | Leon Drachman | YES |
| | Benjamin LaBrecque | YES |
| | Bruce Krasker | YES |

BOARD OF APPEALS TOWN OF MARBLEHEAD

By: *William Moriarty*
William Moriarty, Chairman

Decision filed with Town Clerk _____, on _____

61:1 MD 01 NOV 6102

KNOW ALL MEN BY THESE PRESENTS
THAT THE TOWN OF MARBLEHEAD

4

I hereby certify ^{at} that twenty days have elapsed since this decision has been filed in the office of the Town Clerk and no appeal has been filed.

Robin A. Michaud

Robin A. Michaud
Town Clerk-Marblehead JUL - 2 2019

NOTES:

- 1) THIS PLAN HAS BEEN PREPARED TO ACCOMPANY A ZONING BOARD OF APPEALS APPLICATION.
- 2) THIS PLAN IS NOT TO BE CONSIDERED AN ALTA/ACSM LAND TITLE SURVEY, NOR IS IT TO BE USED FOR RETRACEMENT OF PROPERTY LINES.
- 3) EXISTING SITE FEATURES SHOWN HEREON IN GRAY.
- 4) EXISTING BUILDING OFFSETS SHOWN HEREON ARE TO CORNER WOOD.
- 5) PROPOSED BUILDING OFFSETS SHOWN AS (P).
- 6) EXISTING BUILDING OFFSETS SHOWN AS (E).

ASSESSORS:

MAP 116, LOT 19

ZONING:

B1 - BUSINESS ONE

REFERENCES:

DEED BOOK 35378, PAGE 181
PLAN BOOK 3147, PLAN 1

OWNER

PAONE FAMILY REAL ESTATE TRUST

PIENS REALTY TRUST
DEED BOOK 13812, PAGE 458
#6 ANDERSON STREET

LOT AREA
4980±S.F.

PROPOSED BIT
CONC PARKING

EXISTING DIRT
PARKING

PROPOSED
CONDENSERS

PROPOSED
BULKHEAD

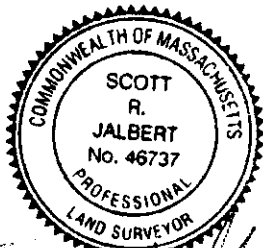
PROPOSED BUILDING

EXISTING
1 STORY WOOD
BUILDING
TO BE RAZED
#149

1 STORY BRICK

141 PLEASANT REALTY, LLC
DEED BOOK 28995, PAGE 82
#141 ANDERSON STREET

PLEASANT STREET



PROFESSIONAL LAND SURVEYOR

PLOT PLAN OF LAND

149 PLEASANT STREET, MARBLEHEAD, MA
PREPARED FOR: MR. CLAUDIO PAONE

HANCOCK

Survey Associates, Inc.
185 CENTRE STREET, DANVERS, MA. 01923
VOICE (978) 777-3050, FAX (978) 774-7816

SCALE: 1" = 10'

0 5 10 20

CHK. BY:
SRJ

DATE:
10/12/20

JOB
NO.

21594



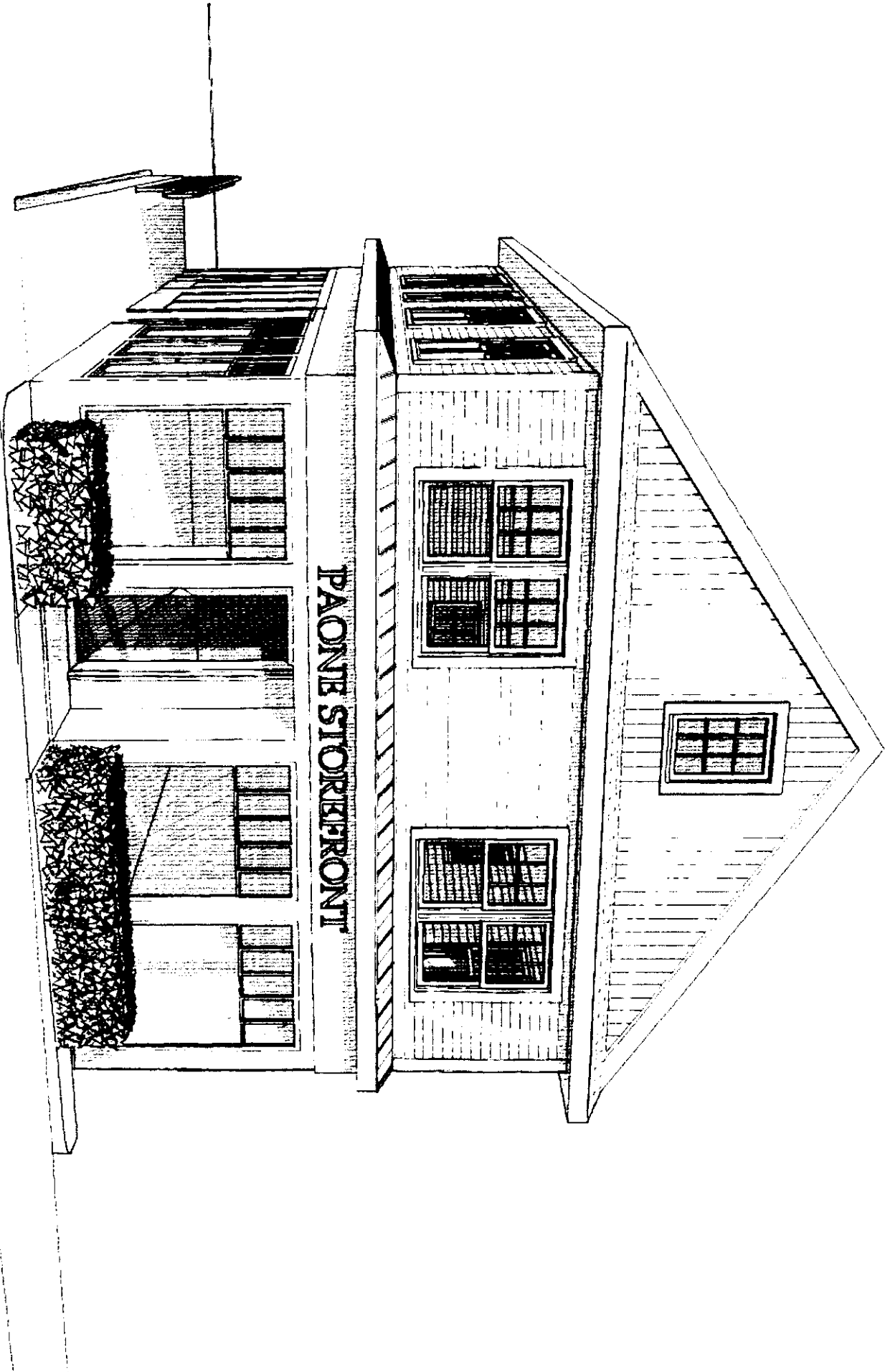
T U C K E R
Architecture & Landscape

59 Atlantic Avenue, Marblehead, MA
www.TuckerArch.com
(781) 631-3546

Tucker Architecture and Landscape LLC

Drawing Index:

- CVR Cover
- 0.1 Site Plan Diagram
- 1.0 Basement & 1st Floor Plan
- 1.1 2nd Floor and Roof Plan
- 2.0 Building Elevations
- 2.1 Building Elevations



REVISION DATE

2020 11 12 Approvals Set

APPROVALS

Paone Mixed Use Project
149 Pleasant Street
Marblehead MA, 01945

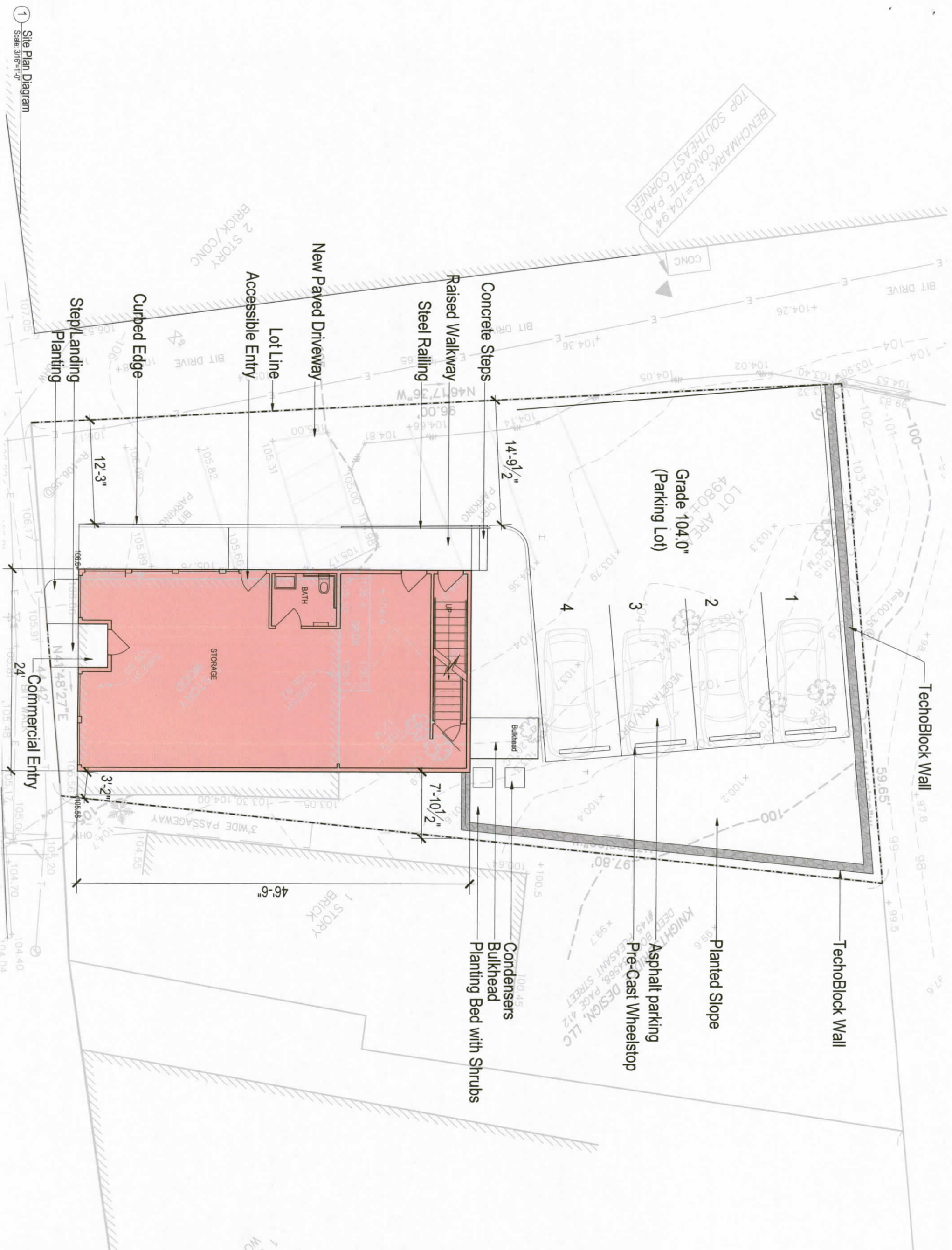
Cover

NOTE: ORIGINAL DRAWING SET TO 20X36 FULL SCALE



PAGE NO.

CVR



1

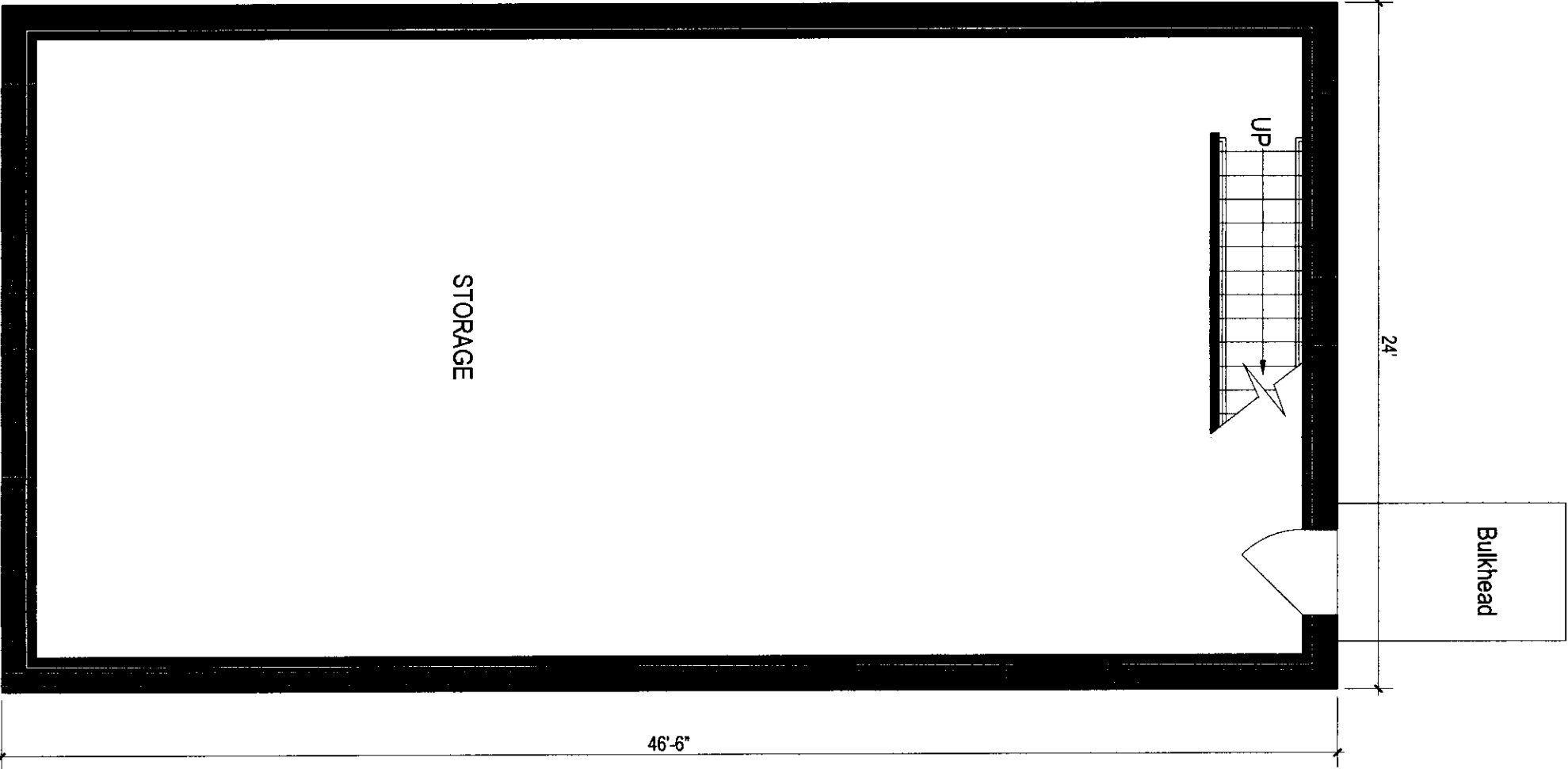
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3

4

Basement Plan

Scale: 3/8"=1'-0"



1

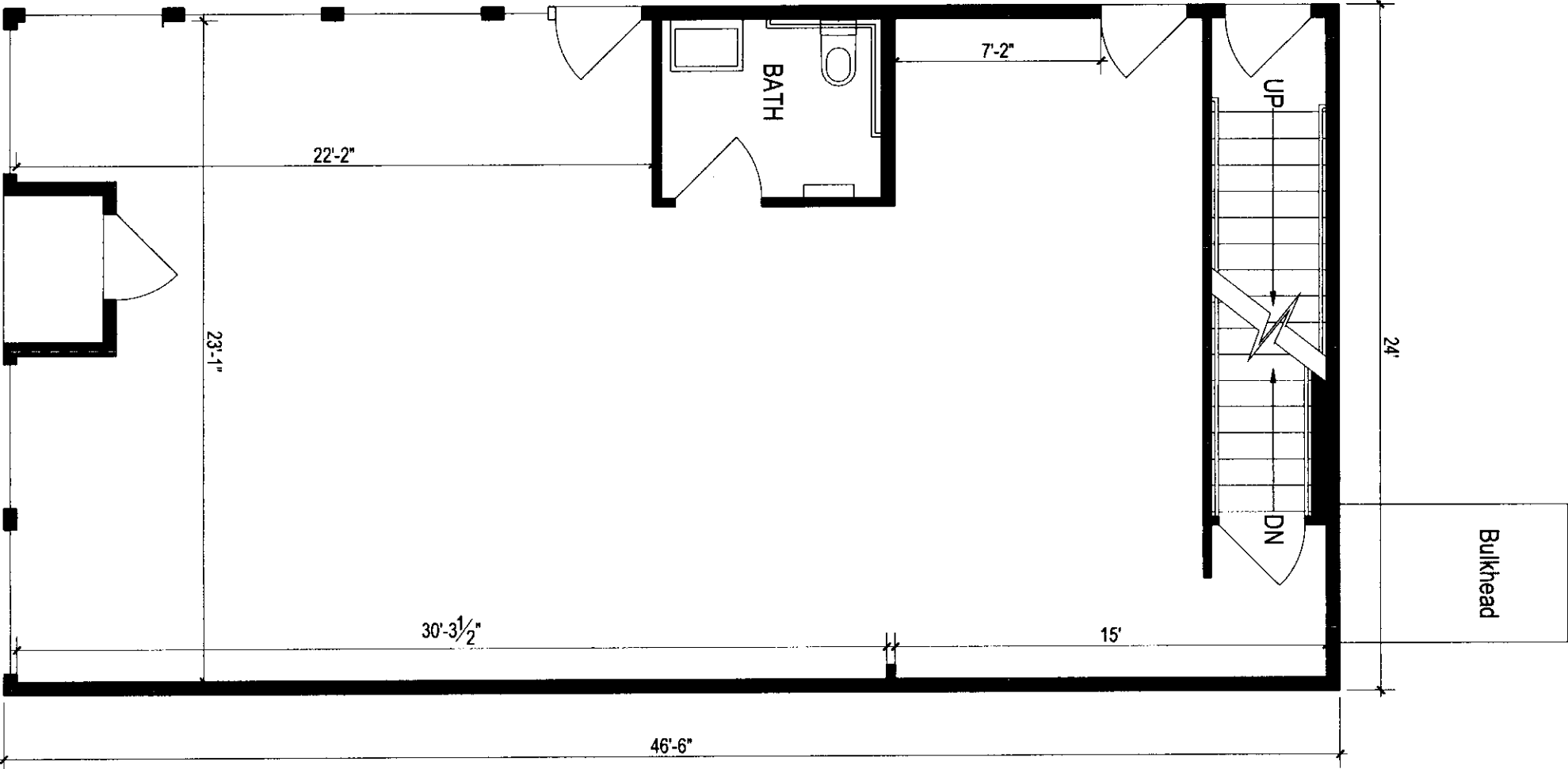
2

3

4

First Floor Plan

Scale: 3/8"=1'-0"



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(781) 631-3546
Tucker Architecture and Landscape LLC

REVISION DATE:
2020 11 12 Approvals Set

APPROVALS

Paone Mixed Use Project
149 Pleasant Street
Marblehead MA, 01945

Proposed Floor Plans

NOTE: ORIGINAL DRAWING SET TO 24X36 FULL SCALE



PAGE NO.
1.0



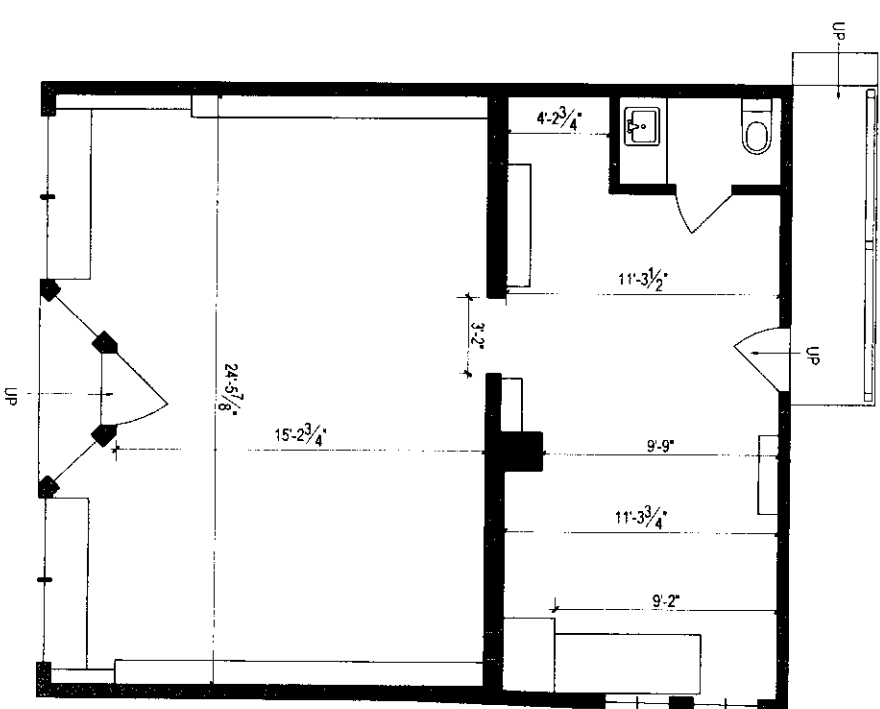
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59 Atlantic Avenue, Marblehead, MA
www.TuckerArch.com
(781) 631-3546
Tucker Architecture and Landscape LLC

REVISION DATE:
2019.02.25 Design Review

FOR APPROVALS

Paone Residence
149 Pleasant Street
Marblehead MA, 01945

Existing First Floor Plan



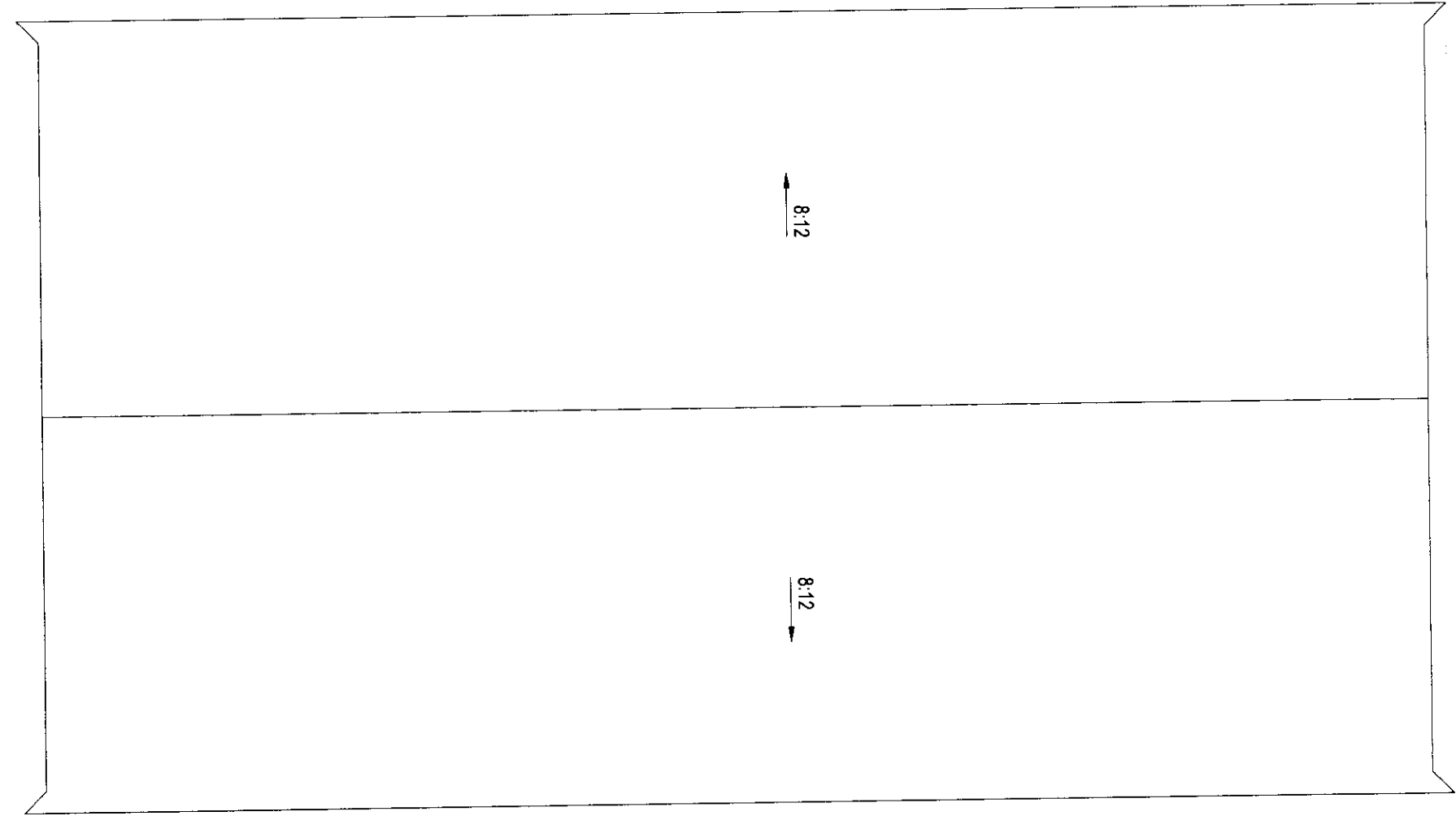
1 First Floor Plan
Scale: 1/4"=1'-0"

REVISION DATE:
2020 11 12 Approvals Set

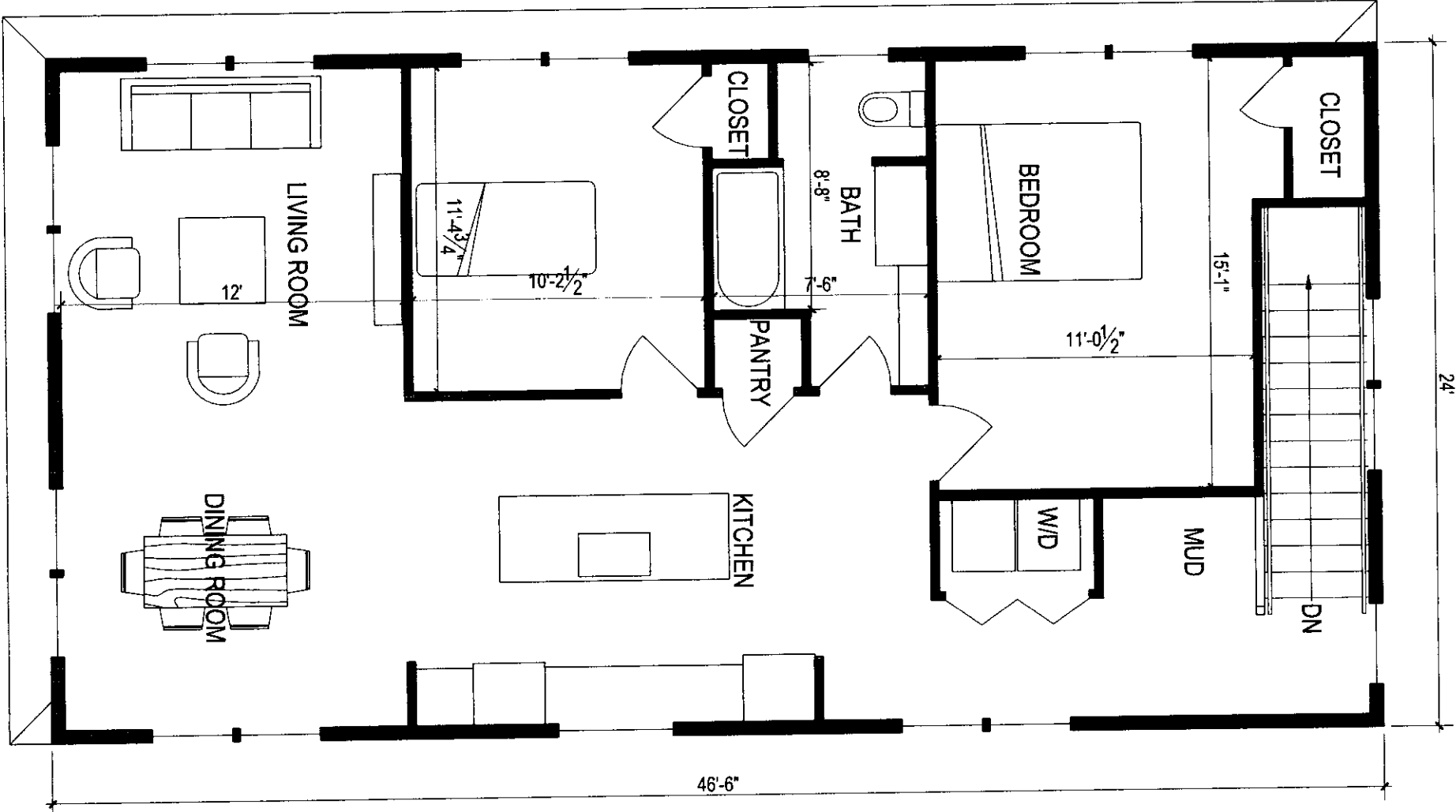
APPROVALS

Paone Mixed Use Project
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Marblehead MA, 01945

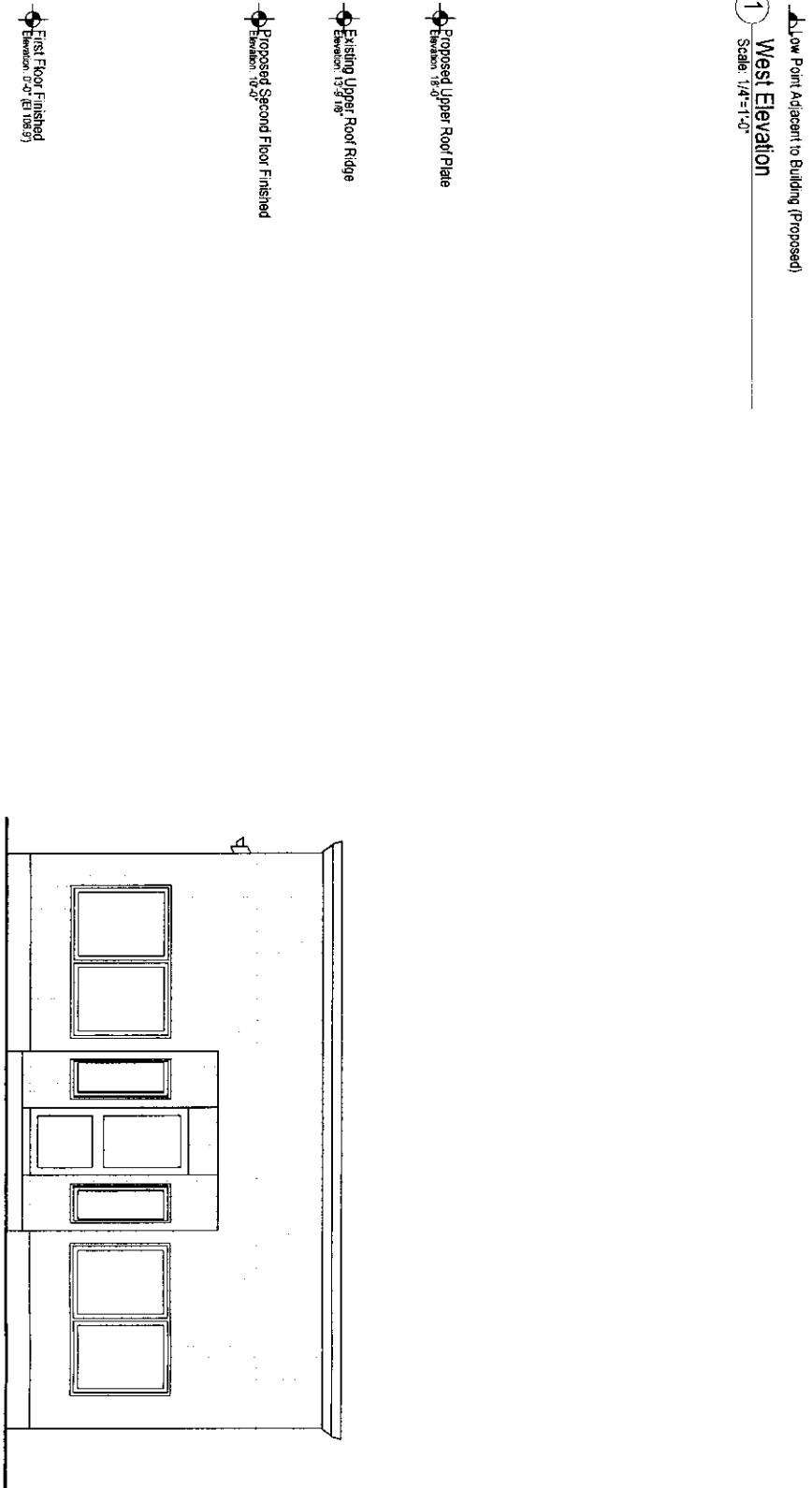
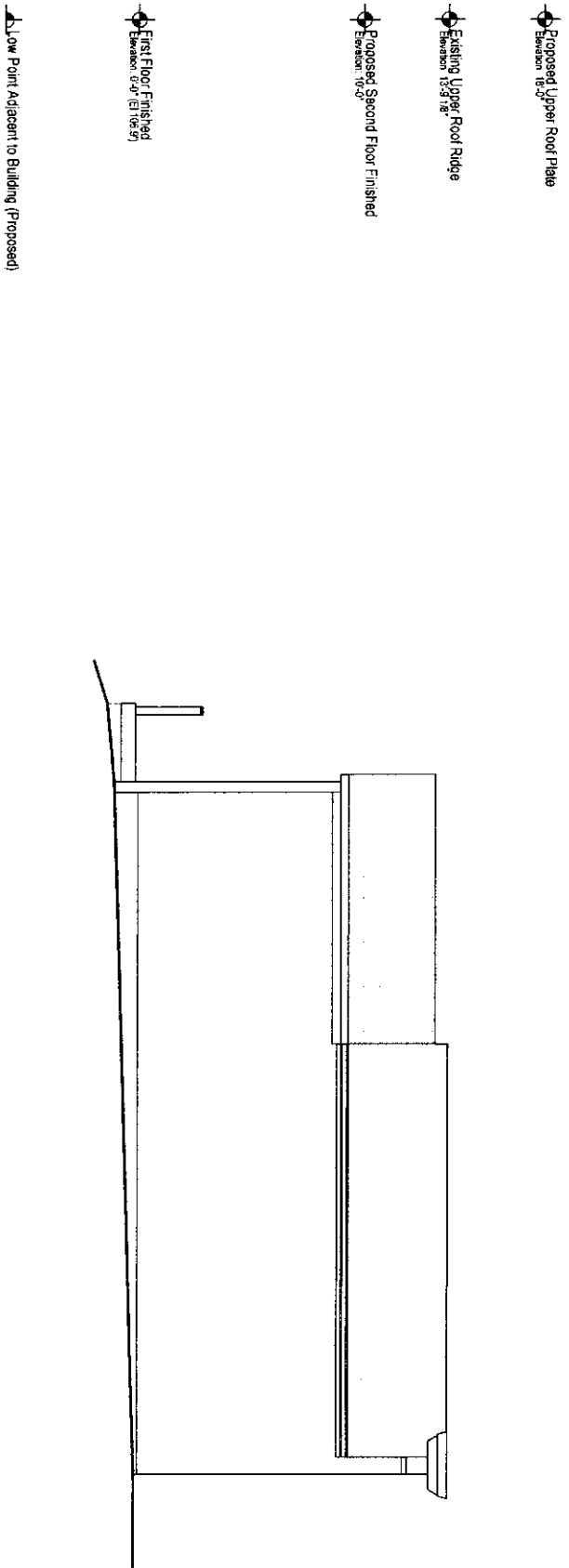
Proposed Floor Plans



2 Roof Plan
Scale: 3/8"=1'-0"



1 Second Floor Plan
Scale: 3/8"=1'-0"



REVISION DATE:
2019 02 25 Design Review

FOR APPROVALS

Paone Residence
149 Pleasant Street
Marblehead MA, 01945

Existing Building Elevations

Proposed Upper Roof Ridge
Elevation: 18'-2"

Proposed Upper Roof Plate
Elevation: 18'-2"

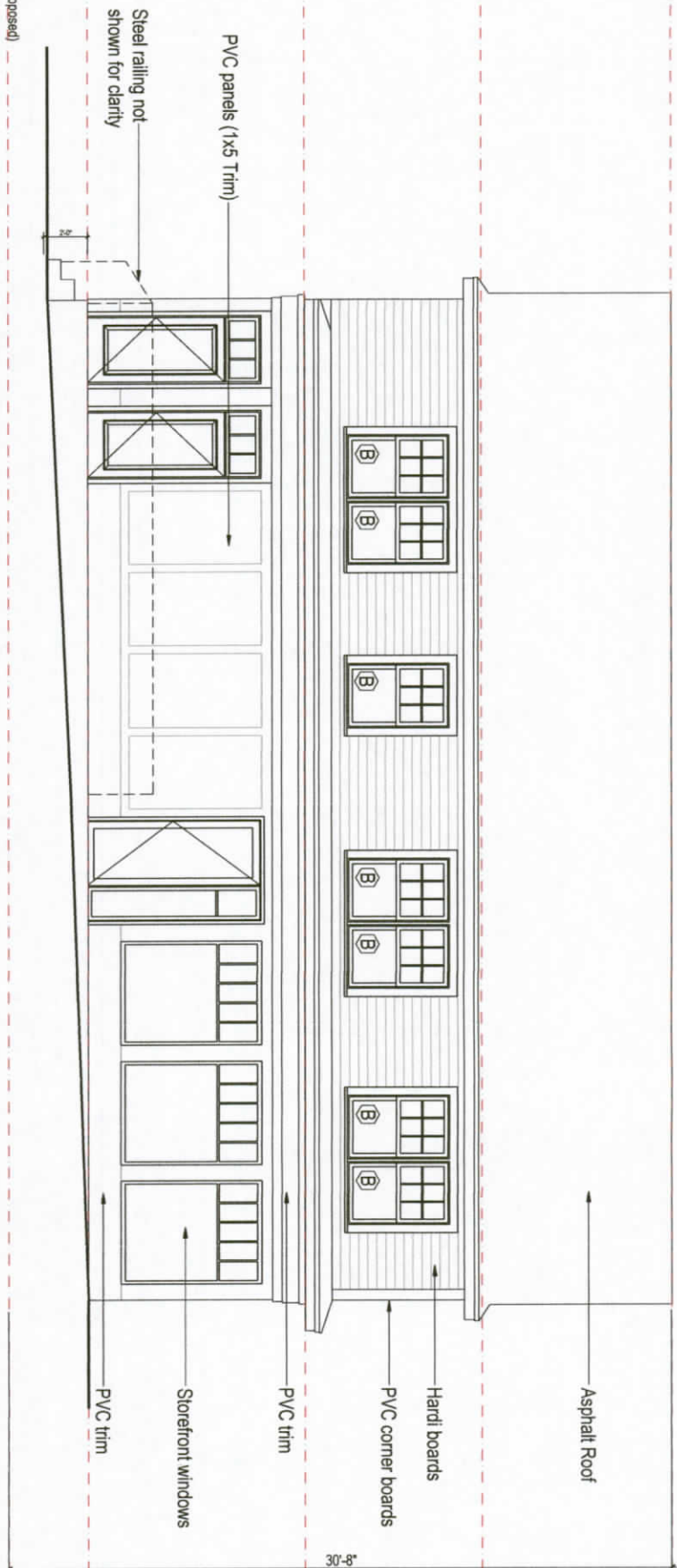
Proposed Second Floor Finished
Elevation: 10'-2"

First Floor Finished
Elevation: 0'-0" (B102.50')

Low Point Adjacent to Building (Proposed)
Elevation: -3'-8" (B112.25')

Basement Floor
Elevation: -8'-0"

1 Southwest Elevation
Scale: 1/4"=1'-0"



Proposed Upper Roof Ridge
Elevation: 27'-2"

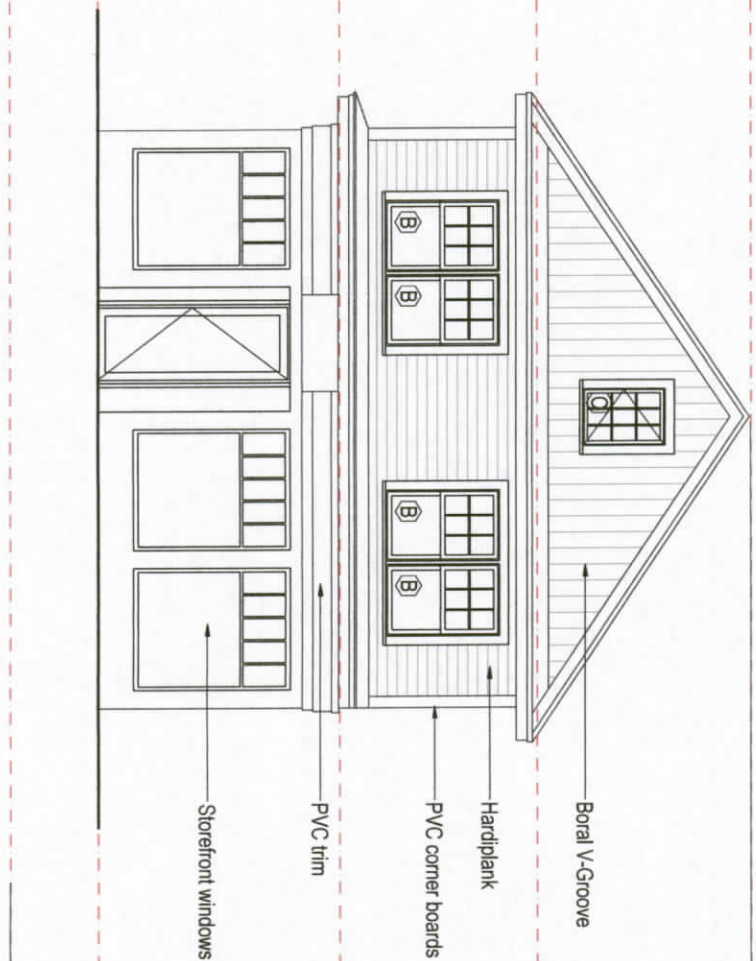
Proposed Upper Roof Plate
Elevation: 18'-2"

Proposed Second Floor Finished
Elevation: 10'-2"

First Floor Finished
Elevation: 0'-0" (B102.50')

Low Point Adjacent to Building (Proposed)
Elevation: -3'-8" (B102.25')

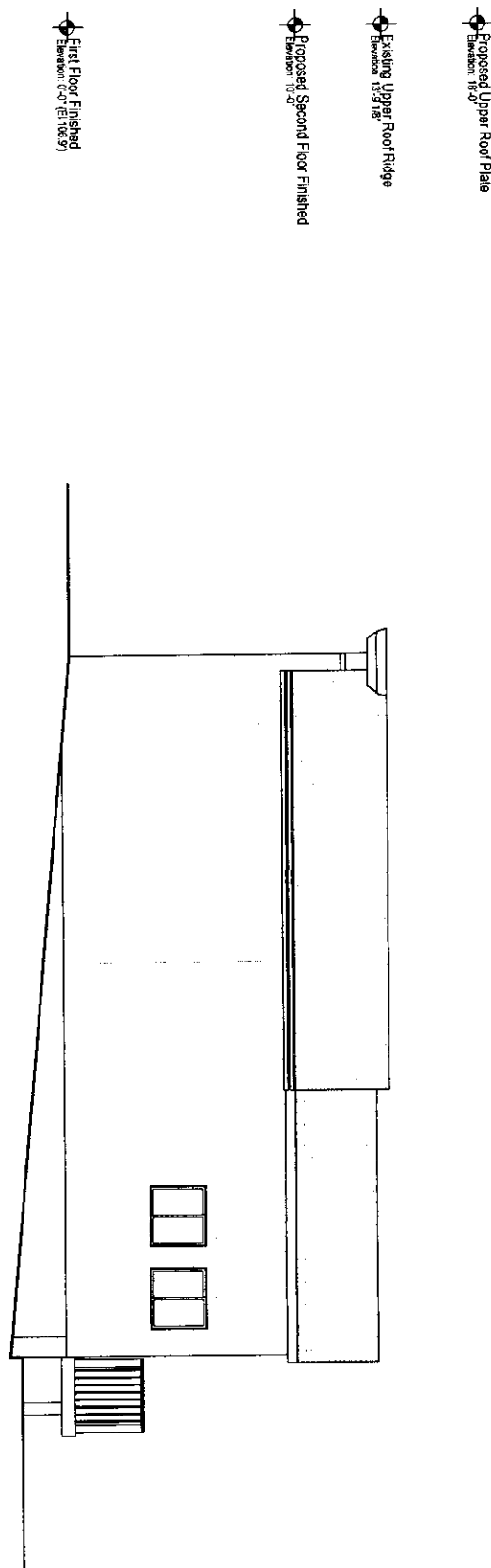
2 Southeast Elevation
Scale: 1/4"=1'-0"



APPROVALS

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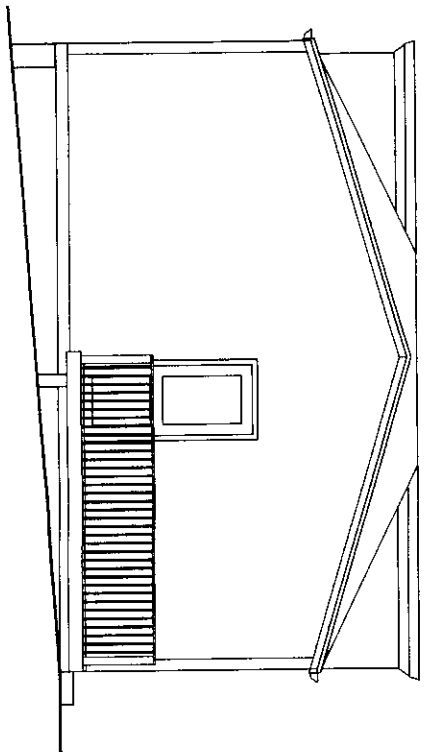
Proposed Building Elevations



1 East Elevation
Scale: 1/4"=1'-0"

- Proposed Upper Roof Plate
Elevation 18'-0"
- Existing Upper Roof Ridge
Elevation 13'-9 1/2"
- Proposed Second Floor Finished
Elevation 12'-0"
- First Floor Finished
Elevation 0'-0" (EL 106.57)
- Proposed Upper Roof Ridge
Elevation 13'-9 1/2"
- Proposed Second Floor Finished
Elevation 10'-0"
- First Floor Finished
Elevation 0'-0" (EL 106.57)
- Low Point Adjacent to Building (Proposed)
Elevation -2'-10 1/2" (EL 101.07)

2 North Elevation
Scale: 1/4"=1'-0"



REVISION DATE:
2019.02.25 Design Review

FOR APPROVALS

Paone Residence
149 Pleasant Street
Marblehead MA, 01945

Existing Building Elevations

Proposed Upper Roof Ridge
Elevation: 2'-2"

Proposed Upper Roof Ridge
Elevation: 16'-2"

Proposed Second Floor Finished
Elevation: 10'-0"

First Floor Finished
Elevation: 0'-0" (± 16.00')

Low Point Adjacent to Building (Proposed)
Elevation: -3'-3" (± 102.25')

Basement Floor
Elevation: -2'-0"

1 Northeast Elevation
Scale: 1/8"=1'-0"

Proposed Upper Roof Ridge
Elevation: 2'-2"

Proposed Upper Roof Ridge
Elevation: 16'-2"

Proposed Second Floor Finished
Elevation: 10'-0"

First Floor Finished
Elevation: 0'-0" (± 16.00')

Low Point Adjacent to Building (Proposed)
Elevation: -3'-3" (± 102.25')

2 Northwest Elevation
Scale: 1/8"=1'-0"



T U C K E R
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