



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

AUG 18 PM 12:58

Town Clerk

Project Address 41 Orchard Street, Marblehead, MA 01945

Assessor Map(s) 90 Parcel Number(s) 33

OWNER INFORMATION

Signature [Signature] date August 18, 2020

Name (printed) Patrick Duffy and Jennifer Gilbert-Duffy

Address 41 Orchard Street, Marblehead, MA 01945

Phone Numbers: home 781-929-4559 - Patrick work 781-738-6633 - Jennifer

E-mail pduffy172@comcast.net; Jennifer.Gilbertduffy@morganstanley.com fax - -

APPLICANT or REPRESENTATIVE INFORMATION (if different from owner)

Signature [Signature] date August 18, 2020

Name (printed) Robert C. McCann McCann & McCann, P.C.

Address 89 Newbury Street, Suite 302, Danvers, MA 01923

Phone Numbers: home - - work 978-739-8484

E-mail rmccann@mccannlaw.com fax 978-739-8455

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) [Signature]

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

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

PROJECT DESCRIPTION AND RELIEF REQUESTED

The Applicant requests that the Zoning Board of Appeals issue a Special Permit under the Zoning By-Laws and the Bransford line of cases for the demolition of an existing single-family dwelling, and the approval for construction of a new single-family dwelling on a pre-existing non-conforming Lot which has less than the required Lot Frontage with a pre-existing non-conforming shed having less than the required Side Yard Set Back on the property located at **41 ORCHARD STREET** in a **SINGLE RESIDENCE DISTRICT**. The construction due to the relocation of the shed will be partially within the Side Yard Set Back, the dwelling will constitute a "NEW BUILDING" and the new dwelling will increase the Gross Floor Area by more than ten (10%) percent.

Both the existing and proposed single-family comply with the Dimensional Regulations of the By-Laws. The relief requested is for the Side Yard Set Back on the shed, which is being relocated but with an increased Set Back, and for a greater than ten (10%) percent increase in Gross Floor Area, if needed. As a part of the project a conforming swimming pool will be redesigned and replaced.

Reviewed by
Building Department
For Zoning Board
Of Appeals

Town of Marblehead
ZBA-APPLICATION
Page 2 of 3

Revision Date: 12-14-2015

Project Address 41 Orchard Street, Marblehead, MA 01945

Map(s) / Parcel(s) 90 / 33

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

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

Yes ☒ No ☐ (explain) _____

Building Official _____

Date 8/18/2020

Town of Marblehead
ZBA-APPLICATION
 Page 3 of 3

Revision Date: 12-14-2015

Project Address 41 ORCHARD STREET

Map(s) / Parcel(s) 90/33

NET OPEN AREA (NOA)

	<u>EXISTING</u>	<u>PROPOSED</u>
Lot area = A	11,143	11,143
Area of features		
footprint of accessory building(s)	126	126
footprint of building	1,012	1735
footprint of deck(s), porch(es), step(s), bulkhead(s)	443	868
number of required parking spaces <u>2</u> x (9'x 20' per space)	360	360
area of pond(s), or tidal area(s) below MHW	na	na
other areas (explain) _____	na	na
Sum of features = B	1941	3089
Net Open Area (NOA) = (A - B)	9202	8054

GROSS FLOOR AREA (GFA)

accessory structure(s)	126	126
basement or cellar (area >5' in height)	949	1095
1st floor (12' or less in height) NOTE: [for heights exceeding	949	1633
2nd floor (12' or less in height) 12' see definition	735	1204
3rd floor (12' or less in height) of STORY §200-7]	na	na
4th floor (12' or less in height)	na	na
attic (area >5' in height)	94	na
area under deck (if >5' in height)	406	381
roofed porch(es)	na	473
Gross Floor Area (GFA) = sum of the above areas	3259	4912

<u>Proposed total change in GFA</u> = (proposed GFA - existing GFA)	=	1653
<u>Percent change in GFA</u> = (proposed total change in GFA ÷ existing GFA) x 100	=	50.7 %
<u>Existing Open Area Ratio</u> = (existing NOA ÷ existing GFA)	=	2.82
<u>Proposed Open Area Ratio</u> = (proposed NOA ÷ proposed GFA)	=	1.64

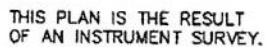
This worksheet applies 1. plan by/dated June 15, 2020 by North Shore Survey
 to the following plan(s): 2. plan by/dated July 23, 2020 by SaltsmanBrenzel
 3. plan by/dated _____

Reviewed by
 Building Department
 For Zoning Board
 Of Appeals

Building Official _____

Date 8/18/2020

	REQUIRED	EXISTING	PROPOSED
LOT AREA	10,000	11,143±	11,143±
FRONTAGE	100	82.27'	82.27'
FRONT	20	35.2'	20.2'
SIDE	15	17.3'	15.2'
REAR	15	60.8'	56'±
BLDG HEIGHT	35	29.9'	34.9'



41 ORCHARD STREET
MARBLEHEAD

PROPERTY OF
PATRICK DUFFY

SCALE 1" = 20' JUNE 15, 2020

NORTH SHORE SURVEY CORPORATION

14 BROWN ST. - SALEM, MA
(978) 744-4800

4900

Reviewed by
Building Department
For Zoning Board
Of Appeals

Duffy Residence

41 Orchard Street, Marblehead, MA 01945

PROJECT DESCRIPTION

Remove existing house and build a new 37' x 52' single family residence. New 3943rd home to be located outside of the flood plain. Basement, First, and Second floor with a two car garage.

PROJECT TEAM

ARCHITECT/BUILDER
SaltsmanBrenzel DC Inc.
535 Albany Street
Boston, MA 02118
saltsmanbrenzel.com

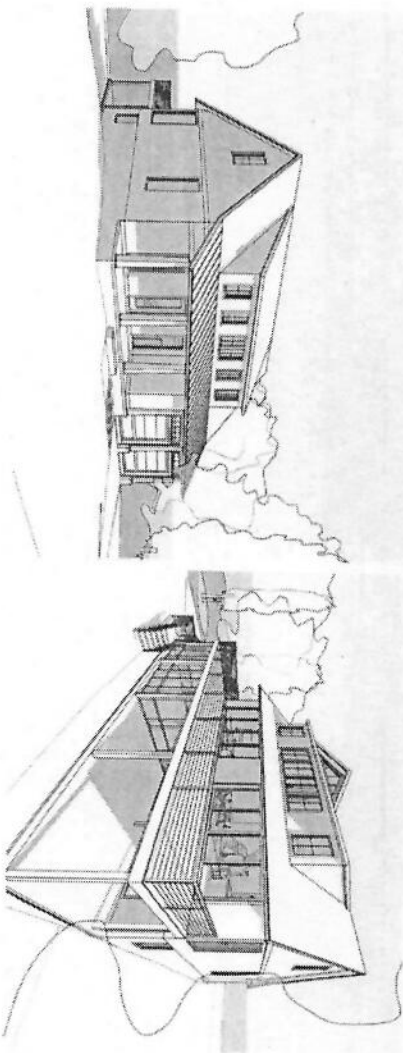
LANDSCAPE ARCHITECT
Pate Landscape Architecture
634 Comm. Ave.
Newton, MA 02459

CIVIL ENGINEER
North Shore Survey
14 Brown Street #1
Salem, MA 01970

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



DRAWING INDEX	
A00	COVER SHEET
A0	BASEMENT
A1	FIRST FLOOR
A2	SECOND FLOOR
A3	NORTHWEST ELEVATIONS
A4	NORTHEAST ELEVATIONS
A5	SOUTHEAST ELEVATIONS
A6	SOUTHWEST ELEVATION
A7	SECTION



SB

SaltsmanBrenzel

535 Albany Street,
Boston, MA 02118
saltsmanbrenzel.com

Duffy Residence

Title
COVER SHEET

Issue Set _____ Date _____
7/23/2010

A00

Reviewed by
Building Department
For Zoning Board
Of Appeals

SB

SalsmanBrenzel

555 Albany Street,
Boston, MA 02118
salsmanbrenzel.com

Duffy Residence

Title
Basement

Issue Set Date

7-13-2020

A0

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For Zoning Board
Of Appeals



PROPOSED BASEMENT FLOOR PLAN
1/8" = 1'-0"

SB

SaltzmanBenzel

535 Albany Street,
Boston, MA 02118
saltzmanbenzel.com

Dwelling Residence

Title:
FIRST FLOOR

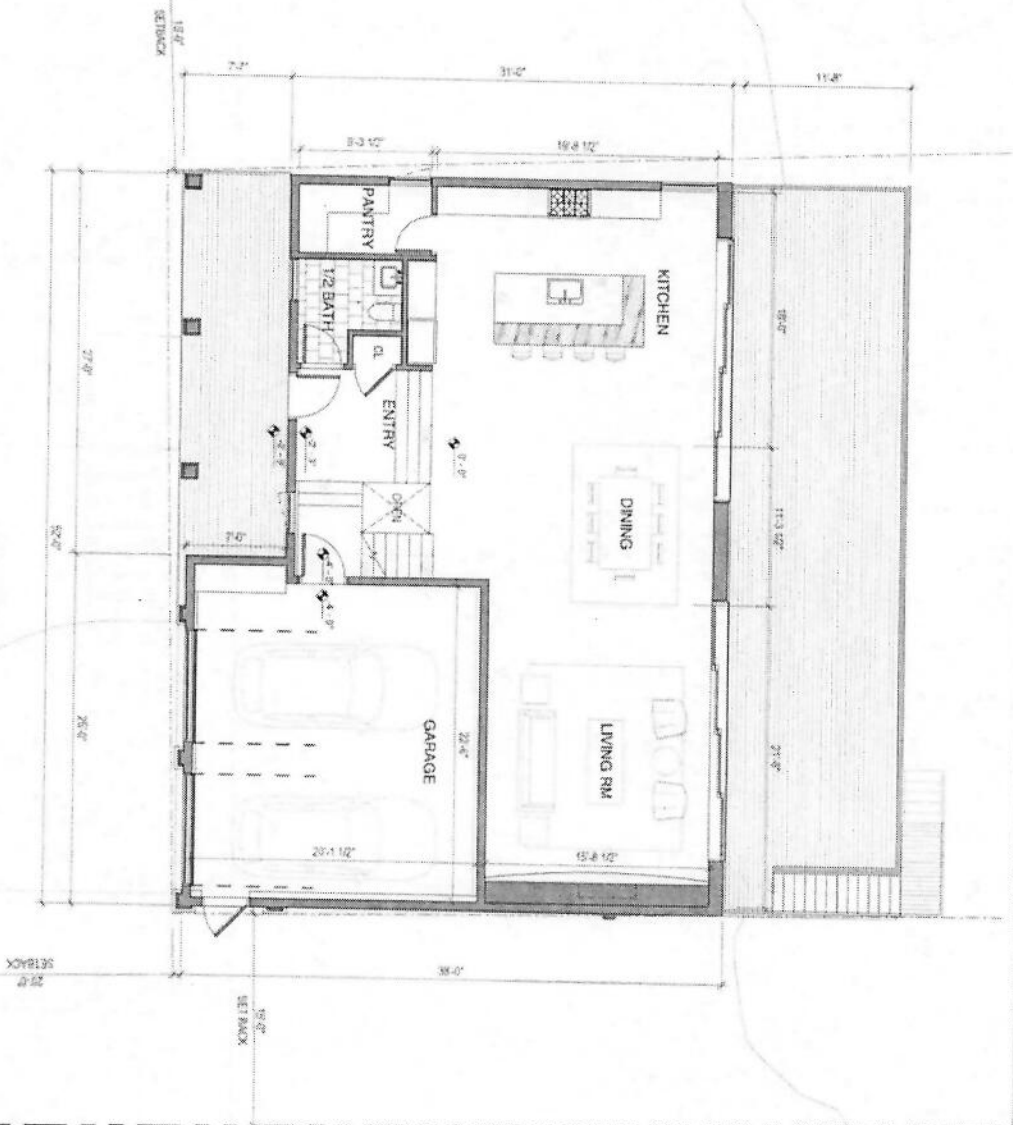
Issue Set Date

7.23.2020

A1

PROPOSED FIRST FLOOR PLAN

1/8" = 1'-0"



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Building Department
For Zoning Board
Of Appeals

SB

Saltzman/Brenzel

535 Albany Street,
Boston, MA 02118
architectural firm

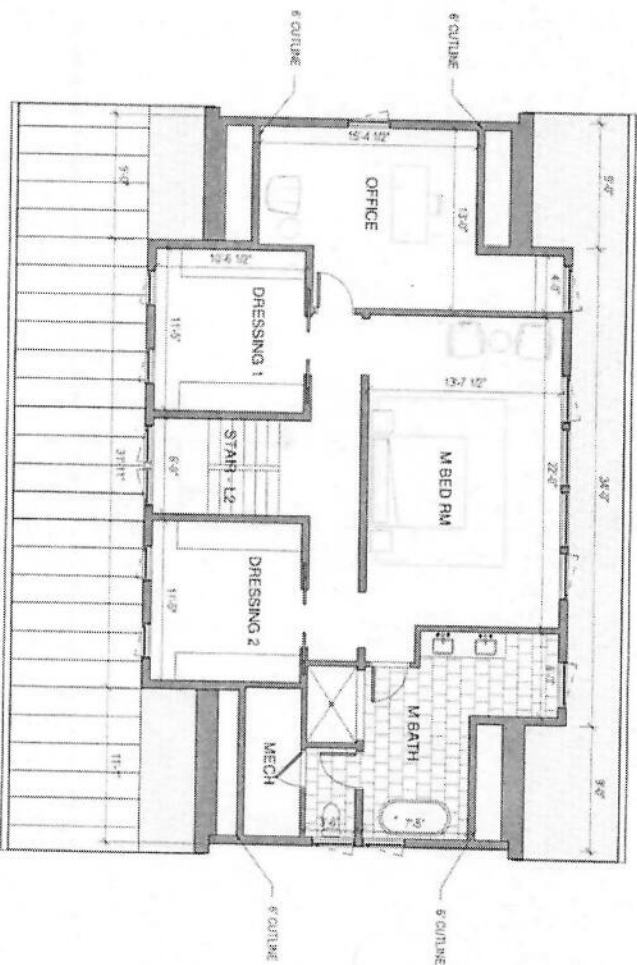
Barry Residence

Indic
SECOND FLOOR

Issue Set Date

7/2/2020

A2



PROPOSED SECOND FLOOR PLAN

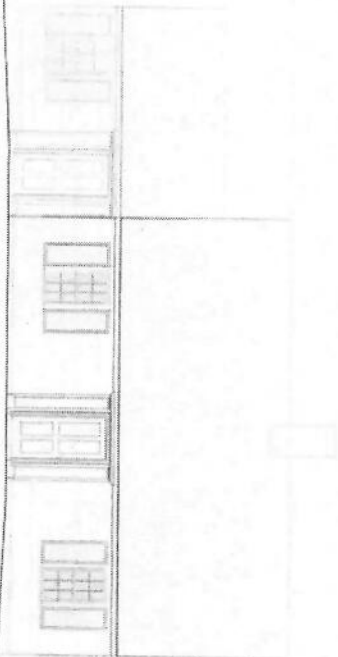
1/8" = 1'-0"

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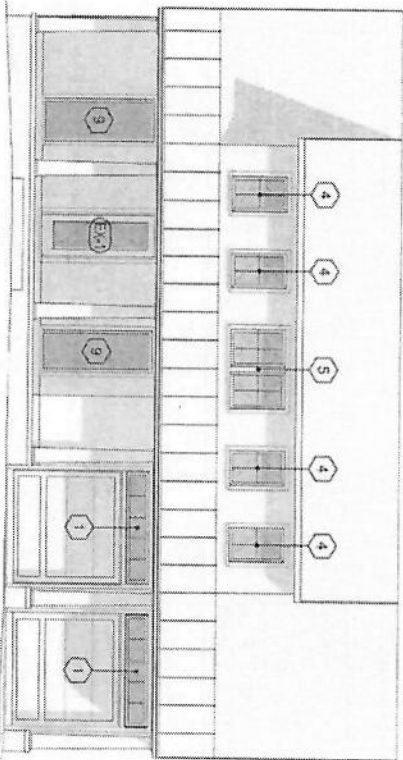
EXISTING RIDGE
42.37

EXISTING FIRST FLOOR
22.59

EXISTING NORTHWEST ELEVATION
1/8" = 1'-0"



PROPOSED NORTHWEST ELEVATION
1/8" = 1'-0"



PROPOSED RIDGE 48.80
L2 35.00
L1 25.50
GARAGE 21.00
BASEMENT 17.00

SB

SalsmanBrenzel

535 Albany Street,
Boston, MA 02118
salsmanbrenzel.com

Daily Residence

Title
NORTHWEST
ELEVATIONS

Issue Set Date

7.6.2020

A3

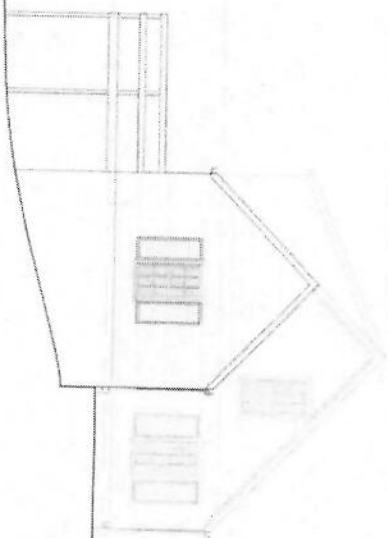
Reviewed by
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For Zoning Board
Of Appeals

EXISTING RIDGE
42.37

EXISTING FIRST FLOOR
22.59

EXISTING BASEMENT
14.29

EXISTING NORTHEAST ELEVATION
1/8" = 1'-0"



PROPOSED RIDGE
48.70

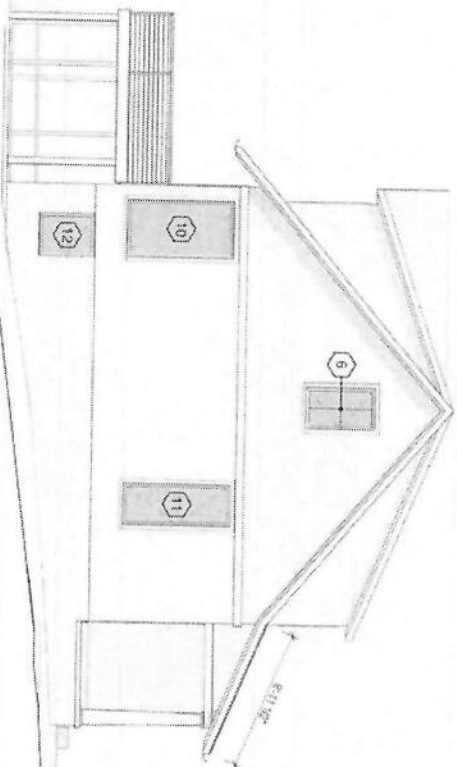
L1
25.50

L2
25.00

GARAGE
21.00

BASEMENT
17.00

PROPOSED NORTHEAST ELEVATION
1/8" = 1'-0"



SB

SalzmanBrenz

555 Albany Street,
Boston, MA 02118
salzmanbrenz.com

Duffy Residence

Title
NORTHEAST
ELEVATION

Issue Set Date

7-23-2010

A4

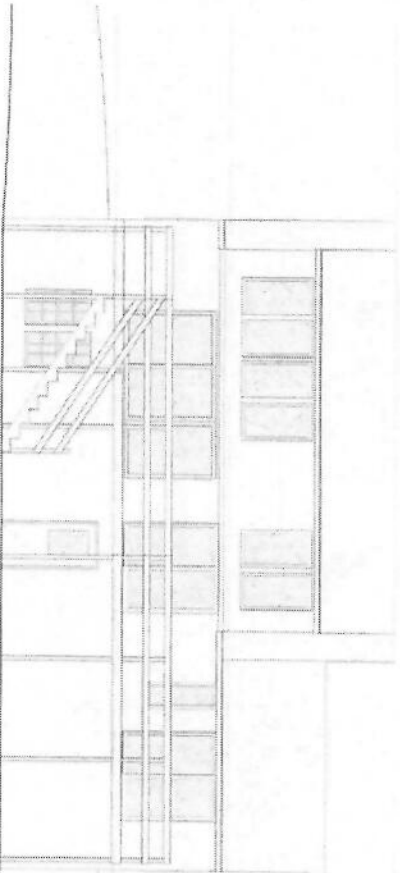
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Of Appeals

EXISTING RIDGE
42.37

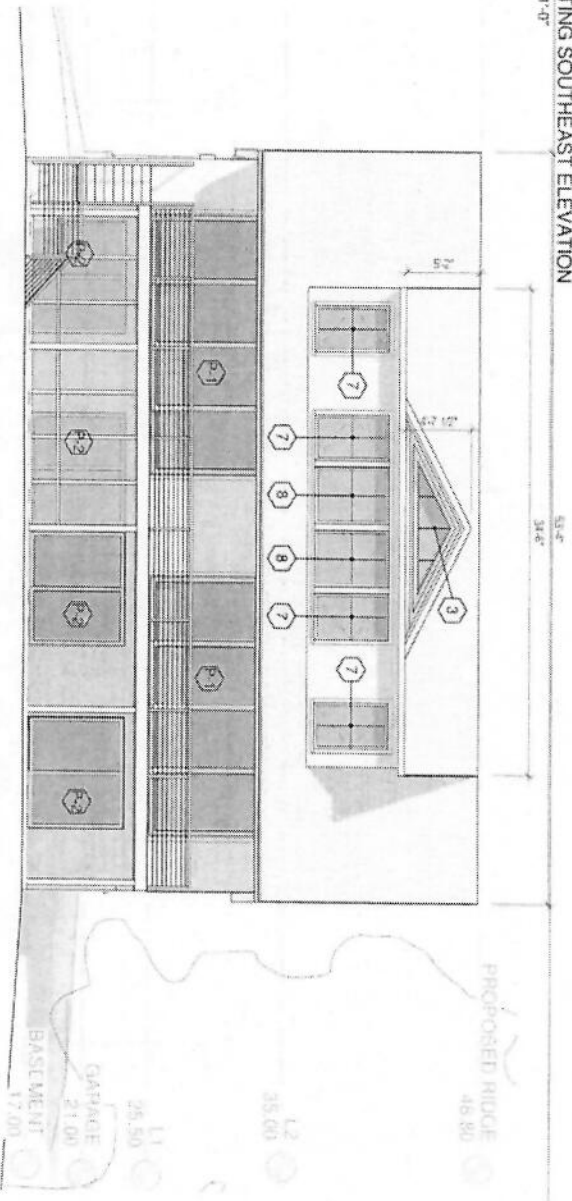
EXISTING FIRST FLOOR
22.59

EXISTING BASEMENT
14.29

EXISTING SOUTHEAST ELEVATION
1/8" = 1'-0"



PROPOSED SOUTHEAST ELEVATION
1/8" = 1'-0"



SB

SaltsmanBrenz

535 Albany Street,
Boston, MA 02118
saltsmanbrenz.com

Puffy Residence

Title:
SOUTHEAST
ELEVATIONS

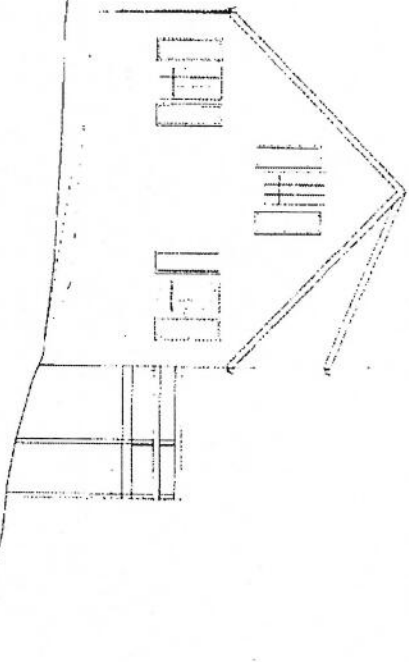
Issue Set Date

2-23-2020

A5

Reviewed by
Building Department
For Zoning Board
Of Appeals

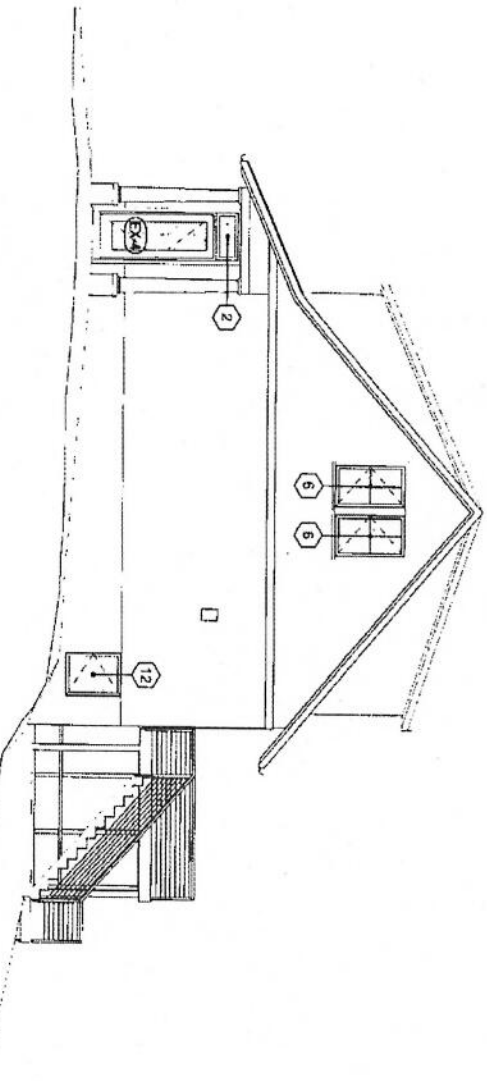
EXISTING RIDGE
42.37



EXISTING FIRST FLOOR
22.59

EXISTING SOUTHWEST ELEVATION
1/8" = 1'-0"

EXISTING BASEMENT
14.29



PROPOSED SOUTHWEST ELEVATION
1/8" = 1'-0"

SB

SaltzmanBrenzell

535 Albany Street
Boston, MA 02118
saltzmanbrenzell.com

Duffy Residence

Title:
SOUTHWEST
ELEVATION

Issue Set Date

12.23.2020

A6

Reviewed by
Building Department
For Zoning Board
Of Appeals

PROPOSED RIDGE
48.80

FOR THE FIRST
ELECTION, MAY 2002
AND 2003

SECTION

7232020

FACE OF
EXISTING
BUILDING
SHOWN DASHED

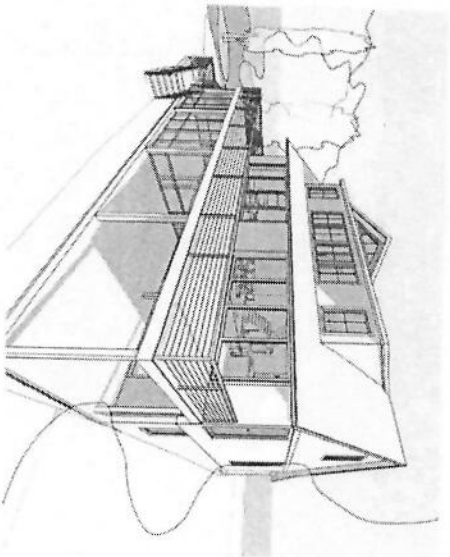
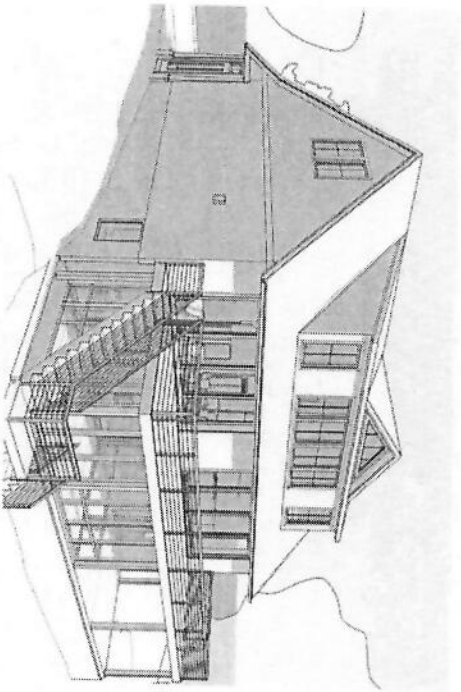
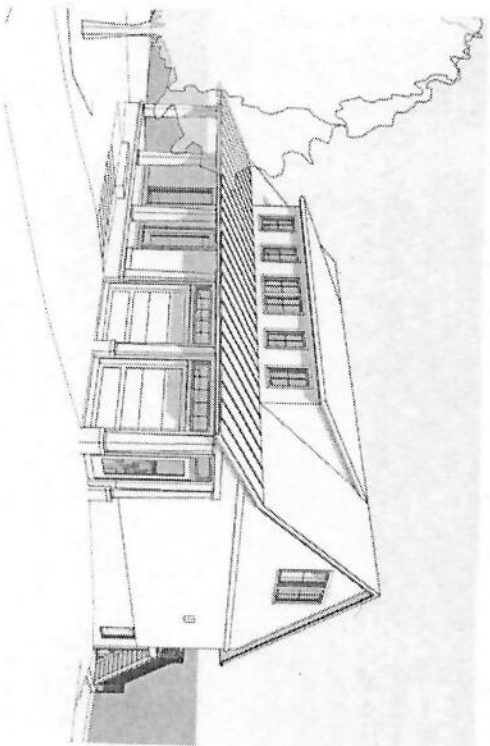
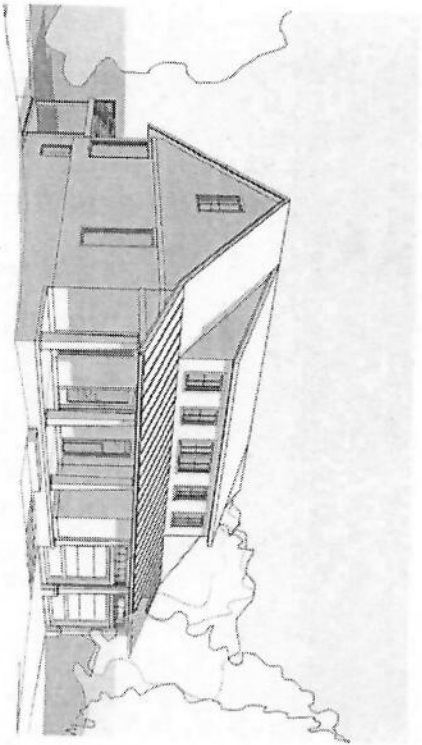
CRUSHED
STONE

300
4

EXISTING WALL TO
REMAIN SHOWN RED

TYP. BUILDING SECTION
1/4" = 1'-0"

Reviewed by
Building Department
For Zoning Board
Of Appeals



SB

Saltsman/Brenzel

535 Albany Street,
Boston, MA 02118
saltsmanbrenzel.com

Multi-Residence

Title
PERSPECTIVES

Issue No. Date

7-25-2020

P1