



Town of Marblehead
Zoning Board of Appeals

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APPEAL FORM

(Appeal of the Building Commissioner's Action/Inaction Regarding Zoning Enforcement)

Date: 1/17/2020

With respect to the property at (address): 42 Lee St.

Assessor Map Number: 130 Parcel Number: 45

Pursuant to Chapter 40A, §8 of the General Laws and Chapter 200-2-I of the Marblehead Zoning Bylaw and **Section 7 of the Rules and Regulations of the Board of Zoning Appeals**, I (we) respectfully appeal to the Board of Appeals the following action taken or not taken, or determination made, by the Building Commissioner and/or Local Inspector:

☒ (a) the failure to take a requested enforcement action. The written request for enforcement, the written response (if any), and a written statement specifying the grounds for this appeal are attached to this Form

☐ (b) the failure to issue a requested building permit. The application for the building permit, the written notice (if any) of the denial of the permit, and a written statement specifying the grounds for this appeal are attached to this Form.

☐ (c) an order or decision of the Building Commissioner and/or Local Inspector. The written order or decision (if any) and a written statement specifying the grounds for this appeal are attached to this Form.

Applicant Signature: Michael J. Michael

Applicant Name Printed: Michael J. Michael

Applicant Address: 44 Lee St, Marblehead, MA 01945

Applicant Phone Number: (Home) _____ Work) 857-342-0275 (Fax) _____

(Email) mjm 7963 @msn.com

Form Complete: Town Engineer's Office: [Signature] Date: 1-24-20
(Signature)

Eng. Dept. - MaryAlley Municipal Building, 7 Widger Road, Marblehead, MA 01045
Phone: 781-631-1529 **Fax: 781-631-2617**



**Town of Marblehead
Zoning Board of Appeals**

Mary Alley Municipal Building
7 Widger Road
Marblehead, MA 01945
Telephone: 781-631-1529
Fax: 781-631-2617

**APPEALING A DECISION
OF THE BUILDING COMMISSIONER**

7. APPEALS OF BUILDING COMMISSIONER'S ACTIONS OR INACTIONS*

Any person believing himself to be aggrieved by an action or inaction by the Building Commissioner in the administration of the Zoning Bylaw may write to the Building Commissioner requesting a review and justification for his determination.

The Building Commissioner is required to respond in writing to the complainant within fourteen days of the receipt of the complainant's letter. **If the complainant is not satisfied with the Building Commissioner's response, the complainant may appeal to the Zoning Board of Appeals by filing a written notice of such appeal including reason(s) for the appeal with the Town Clerk within thirty days of receiving the Building Commissioner's response. (See Section 200-2-I of the Zoning Bylaw.)***

In order to initiate the appeal process, the complainant must follow the Zoning Board of Appeals Procedures. The office of the Town Engineer shall schedule the hearing date of the appeal. The complainant shall be responsible for the costs of the public advertising and the application fee for the appeal.


***AS TAKEN FROM BOARD OF ZONING APPEALS RULES AND REGULATIONS
DOCUMENT DATED JUNE 28, 2011**

1/17/2020

To: The Zoning Board of Appeals
Marblehead, MA 01945

I am appealing the failure of the Building Commissioner to act on a Request for Zoning Enforcement on the Property located at 42 Lee Street, Marblehead, dated 11/26/2019 and 12/30/2019 (attached). The Building Commissioner has not responded to my complaints either in writing or verbally. As both complaints are over 14 days old and there has been no response to me in writing or any other means, I wish to appeal the inaction of the Building Commissioner to my Requests. There has been no changes to the property regarding the requested enforcements either.

Regards,



Michael J. Michaud
44 Lee Street
Marblehead, MA 01945
(857) 342-0275



TOWN SEAL

Richard Baldacci
Commissioner

Town of Marblehead
Office of
BUILDING COMMISSIONER

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



SPIRIT OF '76

tel: 781-631-2220
fax: 781-631-2617

REQUEST FOR ZONING ENFORCEMENT

In accordance with the Town of Marblehead Bylaws Chapter 200, § 200-2.I

VIOLATION INFORMATION

PROPERTY OWNER 54 Lee LLC (Sam and Sharon Carpenter)

ADDRESS OF VIOLATION 42 Lee Street

MAP 130 **PARCEL** 45

I believe the Zoning Bylaw of the Town of Marblehead is being violated for the following reasons and base my allegations on the facts listed below:

Per the Decision from the Zoning Board of Appeals (ZBA) and Old and Historic District Commission (OHDC), the owner did not follow the Plans as submitted to the board for the following reasons:

1. Per the OHDC, there was to be only one parking space, located on the Lee Street side of the project, and this space was Sold as a Deeded Easement with the sale of 54 Lee Street as previously stated in previous complaint. This leaves no Parking as required.

2. Per OHDC Gregory Side of the property is to remain "Green Space" and could not be made into a Parking area (driveway). The owner has started and provided plans to their contractor (a copy dated 10/17/19 provided) for a two car parking area using Paving Stones and Peastone. A picture of the started work attached.

Pursuant to the allegations listed above I hereby request enforcement of the Town of Marblehead Zoning Bylaw. I understand that as the complainant I may be asked to participate with the Building Commissioner/Enforcement Officer by appearing jointly in court in the event the alleged violation is not corrected and further that my name will be disclosed upon request.

COMPLAINANT INFORMATION

NAME Michael Michaud

ADDRESS 44 Lee Street, Marblehead, MA

HOME PHONE **WORK PHONE** 857-342-0275

SIGNATURE *Michael Michaud*

DATE 12/30/2019



Richard Baldacci
Commissioner

Town of Marblehead
Office of
BUILDING COMMISSIONER

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



tel: 781-631-2220
fax: 781-631-2617

REQUEST FOR ZONING ENFORCEMENT

In accordance with the Town of Marblehead Bylaws Chapter 200, § 200-2.1

VIOLATION INFORMATION

PROPERTY OWNER 54 Lee LLC (Sam and Sharon Carpenter)

ADDRESS OF VIOLATION 42 Lee Street

MAP 130 **PARCEL** 45

I believe the Zoning Bylaw of the Town of Marblehead is being violated for the following reasons and base my allegations on the facts listed below:

Per the Decision from the Zoning Board of Appeals (BOA), the owner did not follow the Plans as submitted to the board for the following reasons:

1. The Front (existing) stairs were to be removed as part of this project, and as shown on the 1st and 2nd floor plans.
2. The square footage of the existing deck was not to be expanded per the decision of the BOA, and I believe it was.
3. Per the Old and Historic Commission, there was to be only one parking space, located on the Lee Street side of the project, and this space was sold as a Deeded Easement with the sale of 54 Lee Street. This leaves no parking as required.

Pursuant to the allegations listed above I hereby request enforcement of the Town of Marblehead Zoning Bylaw. I understand that as the complainant I may be asked to participate with the Building Commissioner/Enforcement Officer by appearing jointly in court in the event the alleged violation is not corrected and further that my name will be disclosed upon request.

COMPLAINANT INFORMATION

NAME Michael Michaud

ADDRESS 44 Lee Street, Marblehead, MA

HOME PHONE **WORK PHONE** 857-342-0275

SIGNATURE

Michael Michaud

DATE

11/26/2019