



TOWN SEAL
tel: 781-631-1529

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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

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Town Clerk

Project Address 47 Foster Street, Marblehead, MA 01945

Assessor Map(s) 916 Parcel Number(s) 5 - 0

OWNER INFORMATION

Signature [Signature] date February 25, 2020

Name (printed) Eastern Yacht Club

Address 47 Foster Street, Marblehead, MA 01945

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

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

APPLICANT or REPRESENTATIVE INFORMATION (if different from owner)

Signature [Signature] date February 25, 2020

Name (printed) Robert C. McCann, Esq. 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)

Reviewed by
Building Department
For Zoning Board
Of Appeals

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

PROJECT DESCRIPTION AND RELIEF REQUESTED

The Applicant requests that the Board of Appeals issue a Special Permit: (1) confirming and ratifying prior Special Permits issued by the Board approving the continued existence and operation of the facility as a Yacht Club under Table I of the Zoning By-Laws; (2) modifying the prior Special Permits to allow the requested work; and (3) approving the following proposed work:

- Demolition of the existing Paddle Tennis warming hut and the Tennis Shop;
- Relocation of three (3) Paddle Tennis Courts;
- Relocation of one (1) Tennis Court;
- Relocation of a portion of the boat storage and creation of additional parking so as to provide for conforming parking;
- Construction of a combined Paddle Tennis warming hut and the Tennis Shop which will constitute a 'BUILDING, NEW' as defined in the Zoning By-Laws; and
- Associated site work

on the property located at **47 FOSTER STREET** which has less than the required parking, less than the required Front Yard Set Back on the main Clubhouse and the Work Shop Buildings only, more than the maximum allowed Height on the main Clubhouse, only, all situated partially in a **SHORELINE EXPANDED SINGLE RESIDENCE DISTRICT** and partially in an **EXPANDED SINGLE RESIDENCE DISTRICT**, with all proposed work and construction to be outside of the **SHORELINE DISTRICT**. The existing Paddle Tennis warming hut and the Tennis Shop, as well as the proposed combined Paddle Tennis warming hut and Tennis Shop all comply fully with the Dimensional Regulations of the Zoning By-Laws. The use of the property is not changing or expanding and parking will be brought into conformity with the parking regulations of the By-Laws.

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Map(s) / Parcel(s) 916 5 - 0

ZONING DISTRICT (circle all that apply)

B B1 BR CR SCR ECR GR SGR SR SSR ESR SESR HBR U SU

CURRENT USE (explain) Yacht Club operating and existing with issued Special Permits

CURRENT USE CONFORMS TO ZONING (Article IV, Table 1)

Yes ☒ No ☐ (explain) Through the issuance of prior Special Permits

PROPOSED CHANGE OF USE

No ☒ Yes ☐ (explain) _____

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

Applies to the proposed new combined Paddle Tennis Court warming hut and Tennis Shop, only

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) Applies to the main Clubhouse and work barn Only, not to the proposed construction
- ☐ 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) Applies to the main Clubhouse only not to the proposed construction
- ☐ 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) Applies to the paddle tennis court only not a structure
- ☐ 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"/>

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

Yes ☒ No ☐ (explain) _____

Building Official _____

Date February 25, 2020

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NET OPEN AREA (NOA)

	<u>EXISTING</u>	<u>PROPOSED</u>
Lot area = A	219,281	219,281
Area of features		
footprint of accessory building(s)	1,696	2,879
footprint of building	12,508	12,508
footprint of deck(s), porch(es), step(s), bulkhead(s)	431	431
number of required parking spaces _____ x (9' x 20' per space)	16,524	16,524
area of pond(s), or tidal area(s) below MHW	0	0
other areas (explain) _____	0	0
Sum of features = B	31159	32342
Net Open Area (NOA) = (A - B)	188,122	186,939

GROSS FLOOR AREA (GFA)

accessory structure(s)	1,696	2,879
basement or cellar (area >5' in height)	12,508	12,508
1st floor (12' or less in height) NOTE: [for heights exceeding	12,077	12,077
2nd floor (12' or less in height) 12' see definition	5,900	5,900
3rd floor (12' or less in height) of STORY §200-7]	3,138	3,138
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)	431	431
Gross Floor Area (GFA) = sum of the above areas	35,750	36,933

<u>Proposed total change in GFA</u> = (proposed GFA - existing GFA)	=	1,183
<u>Percent change in GFA</u> = (proposed total change in GFA ÷ existing GFA) x 100	=	3.31 %
<u>Existing Open Area Ratio</u> = (existing NOA ÷ existing GFA)	Reviewed by Building Department =	5.26 : 1.00
<u>Proposed Open Area Ratio</u> = (proposed NOA ÷ proposed GFA)	For Zoning Board Of Appeals =	5.06 : 1.00

This worksheet applies 1. plan by/dated 02-19-2020 Hayes Engineering, Inc.
 to the following plan(s): 2. plan by/dated 02-20-2020 by Connolly Const. Mngt. Planning and Design
 3. plan by/dated _____

Building Official  Date February 25, 2020

SUMMARY OF APPLICATION

The property is the site of the Eastern Yacht Club, formed in 1870 and existing on the property for 150 years. Until the zoning change in the early 1980's the use was a pre-existing non-conforming use. Since the zoning change which created the category of "Lodge or Club" by Special Permit in the District, the Zoning Board of Appeals has issued several Special Permits confirming the use as a "Special Permit Use".

A copy of each of the prior Special Permits issued by the Board of Appeals as well as the Site Plan Special Permits, as recorded in the Registry of Deeds, are on file with the Board.

The Eastern Yacht Club owns two (2) parcels of land, separated from each other by Foster Street. The main property, which is inland of Foster Street, consists of 219,281 +/- square feet of land in a Zoning District requiring 35,000 square feet of Lot Area. This Application relates only to the main property. The Board has determined, in its 2008 Decision, that the waterfront property on the opposite side of Foster Street is "not contiguous to or merged with the main lot across the street." Therefore, this Application, the Open Space Calculations and the relief requested relate solely to the main lot at 47 Foster Street. It should be noted that the waterfront property which has located on it the Pleon Yacht Club, the pool and pool house, a pier and pier house and associated waterfront facilities is subject to a condition that no additions or construction are allowed except through the issuance of zoning relief from the Board of Appeals. No such condition or restriction applies to the main lot.

The present and proposed uses are:

Presently Existing	Proposed
Clubhouse	Clubhouse
Work Shop Building	Work Shop Building
Paddle Tennis Building	Combined Paddle Tennis Building/Tennis Shop
Tennis Shop	
Boat Storage and Dry Sailing	Boat Storage and Dry Sailing
6 Tennis Courts	6 Tennis Courts
3 Paddle Tennis Courts	3 Paddle Tennis Courts
Parking (78 spaces - non conforming)	Parking (107 spaces - conforming)

NOTE: The proposed site work will create 29 new parking spaces making the parking on the property conforming

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The uses on the property will not change. The only changes requested to the facilities as follows:

- Demolition of the existing Paddle Tennis warming hut and the Tennis Shop;
- Relocation of three (3) Paddle Tennis Courts;
- Relocation of one (1) Tennis Court;
- Relocation of a portion of the boat storage and creation of additional parking so as to provide for conforming parking;
- Construction of a combined Paddle Tennis warming hut and the Tennis Shop which will constitute a 'BUILDING, NEW' as defined in the Zoning By-Laws; and
- Associated site work

Some of the benefits of the Application are:

1. Moving the three (3) Paddle Tennis Courts, and removing the two (2) existing accessory buildings, so that views of the harbor are significantly increased for the public with minimal interference of private views;
2. Lowering the height of the Paddle Tennis Courts from their current elevation by approximately 7.5 feet;
3. Increasing the current distance of the Paddle Tennis warming hut to the dwelling across Nanepashemet Street from 130 feet to 225 feet
4. Constructing one (1), in the place of two (2) accessory buildings and combining the Paddle Tennis warming hut and the Tennis Shop into one building,
5. Moving the Paddle Tennis parking off of Nanepashemet Street to a new internal parking area;
6. Replacing antiquated lights with new down facing lights;
7. Moving one of the Tennis Courts from a location adjacent to Nanepashemet Street to an interior Court space off of Harbor Avenue;
8. Increasing the non-conforming parking by 29 spaces so that the resulting parking conforms to the parking requirements of the Zoning By-Laws;
9. Re-grading the south end of the property to provide for safer vehicular traffic and movement;

No changes are requested for any other structures on the property.

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