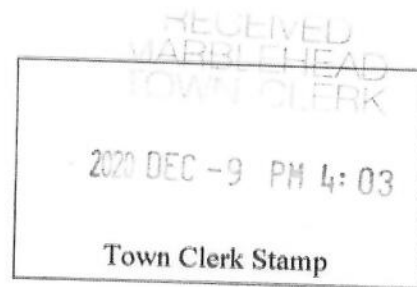




**Town of Marblehead**  
**Zoning Board of Appeals**



**APPEAL FORM**

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

With respect to the property at (address): 5 HARBOR VIEW Date: 12/7/20

Assessor Map Number: 112 Parcel Number: 112-14-0 / 614 (HD)

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: Wayne M. Shorion

Applicant Name Printed: WAYNE M. SHORION

Applicant Address: 7 HARBOR VIEW, MARBLEHEAD MA 01945

Applicant Phone Number: (Home) 781-639-8557 (Work) 781-608-0836 (Fax) \_\_\_\_\_  
(Email) WMSENTLTD@AOL.COM

Form Complete: Town Engineer's Office: [Signature] Date: 12-7-20  
(Signature)

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

November 12, 2020

Town of Marblehead  
Board of Appeals  
Abbott Hall  
Washington Street  
Marblehead, MA 01945

FILE COPY

RE: 5 Harbor View

Dear Members of The Board,

We hand delivered a letter (copy attached) to the Building Commissioner<sup>1</sup> on October 15, 2020 requesting enforcement under Chapter 200-2 regarding the blatant and repeated nonconformances with the Special Permit that was granted by the Town and have not received any response.

As such, this is our request, under Chapter 200-2 H and M.G.L Chapter 40A Sections 8 and 15 that the Bylaws be enforced as follows:

- 1) The entire area across the front of the property between the front of the house and the street be restored to the as-approved condition stated in the original approval.
- 2) The street level construction and square footage of the interior of the house be restored to the as-approved condition stated in the original approval.
- 3) The moratorium for the owners to seek approval to make any amendment to the previously approval be extended for 10 years from the time of the above enforcement.

Should you have any questions or require further information I can be reached on my cell phone at 781-608-0856.

Your prompt attention to this matter is greatly appreciated.

Respectfully Submitted

Wayne M. Sheridan  
7 Harbor View

---

<sup>1</sup> At the same time, because the Building Commissioner had not responded to several prior phone messages, we dropped of a copy of the letter to the Town Planner Rebecca Curran Cutting. I had previously discussed this matter with the Town Planner who has been appropriately responsive.

October 12, 2020

FILE COPY

Mr. Rich Baldacci  
Building Commissioner  
Town of Marblehead  
Mary Alley Building  
7 Widger Road  
Marblehead, MA 01945

RE: 5 Harbor View Lane

Dear Commissioner Baldacci,

I have left several phone messages for you over the past six weeks without any response. Since I have been unable to talk with you, I am writing this letter in order to move a list of issues regarding construction at 5 Harbor View Lane that do not conform with the Town's specially granted approvals.

I have discussed these matters with Rebecca Curran Cutting on a number of occasions and if I heard her correctly, she has indicated to me that there is an issue and the Owners of the property have been instructed to stop the most current, partially completed, work.

The property owners are also the owners of The Essex Building Company (license # CS-015386) and know that they are not in conformance with the 2006 approvals of the Planning Board or the Zoning Board of Appeals.

The recorded approvals include the statement:

"There shall be no construction ----- which either differs from the construction set forth on drawings approved and stamped by Board of Appeals -----, without the applicant obtaining prior written approval from the Board of Appeals for such construction."

Since the 2006 approval modifications, both interior and exterior, have been made without the "prior" written approval from the Board of Appeals.

As such we request that you require the unapproved modifications be removed and that the property be restored to its "Special Permit" approved status.

Thank you in advance for your anticipated prompt action regarding this matter. I am reachable at 781-608-0856 if there is further information that you require.

Wayne M. Sheridan  
Abutter @ 7 Harbor View



More ▾

**RE:**

■ **Robert Scott** ([scottr@marblehead.org](mailto:scottr@marblehead.org))

To: you + 1 more    Details ▾

Good morning,

Thank you for acknowledging the receipt of the letter which was sent to you, I will make a copy of the email you have sent in response and add it to our files

Thank you,  
Robert Scott  
Interim Building Commissioner  
[scottr@marblehead.org](mailto:scottr@marblehead.org)

**From:** [wmsentid@aol.com](mailto:wmsentid@aol.com) [<mailto:wmsentid@aol.com>]

**Sent:** Tuesday, November 17, 2020 5:42 PM

**To:** Robert Scott

**Cc:** Becky Curran

**Subject:**

Wed, Nov 18, 2



Robert Scott  
Interim 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

Mr. Wayne Sheridan  
7 Harbor View Rd.

RE: 5 Harbor View Rd.

Dear Mr. Sheridan,

In response to the letters sent to the Town of Marblehead concerning work which has been done at the home of your abutter, 5 Harborview Rd. both a site visit to the property was conducted as well as a review of the special permit granted to property owner in 2006.

Upon review of the special permit as well as other letters of correspondence between yourself and my predecessors, it is my determination that your abutter, Mr. Clarke and his property, 5 Harbor View Rd. have been consistently in compliance the ZBA ruling in 2006. The work which has been done to Mr. Clarke's home has been permitted, inspected, approved and a Certificate of Occupancy has been issued. Had Mr. Clarke varied from his special permit, I believe the previous Building Commissioner (s) would have taken the appropriate action and directed Mr. Clarke back to the ZBA.

Furthermore, there was no evidence of construction, neither inside nor outside, being performed at the property location at the date of my site visit, which was on 11/16/2020. There is also currently no evidence that the property has been altered since the time of completion of the special permit.

The rock wall which you have brought to my attention, which was constructed on the lot owned by Mr. Clarke, is considered landscaping and a building permit is not required under 780 CMR, section R105.2. The rock wall is also not in violation of Zoning Bylaws. Upon a site visit conducted by Chief Gilliland it was concluded that the construction of the wall did not impede the travel of emergency vehicles.

It is my determination that 5 Harbor View Rd. owned by Mr. Clarke is not currently in violation of any zoning bylaws or the special permit granted to him in 2006.

Than you,

Robert Scott  
Interim Building Commissioner  
[scottr@marblehead.org](mailto:scottr@marblehead.org)

## GROUNDS FOR APPEAL

### **1) The ZBA, Special Permit was granted with express conditions, as follows:**

The Special Permit is granted, with the following conditions:

1. 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 drawings approved and stamped by the Board of Appeals by that vote, or which is inconsistent with this decision and these conditions, without the applicant obtaining prior written approval from the Board of Appeals for such construction. Additionally, no demolition, building or occupancy permit, whether temporary, conditional or permanent, shall issue, except existing permit for interior demolition, for any work on the premises unless and until a copy of this decision,

- a) Those requirements have not been followed. Constructed both inside and outside of the dwelling "differs from the construction set forth on drawings approved and stamped by the Board of Appeals"
- b) No "prior written approval" has been obtained that we are aware of.

### **2) The Planning Board Approval, included a review of "plans" and consideration of "Special Permit Criteria," including the following:**

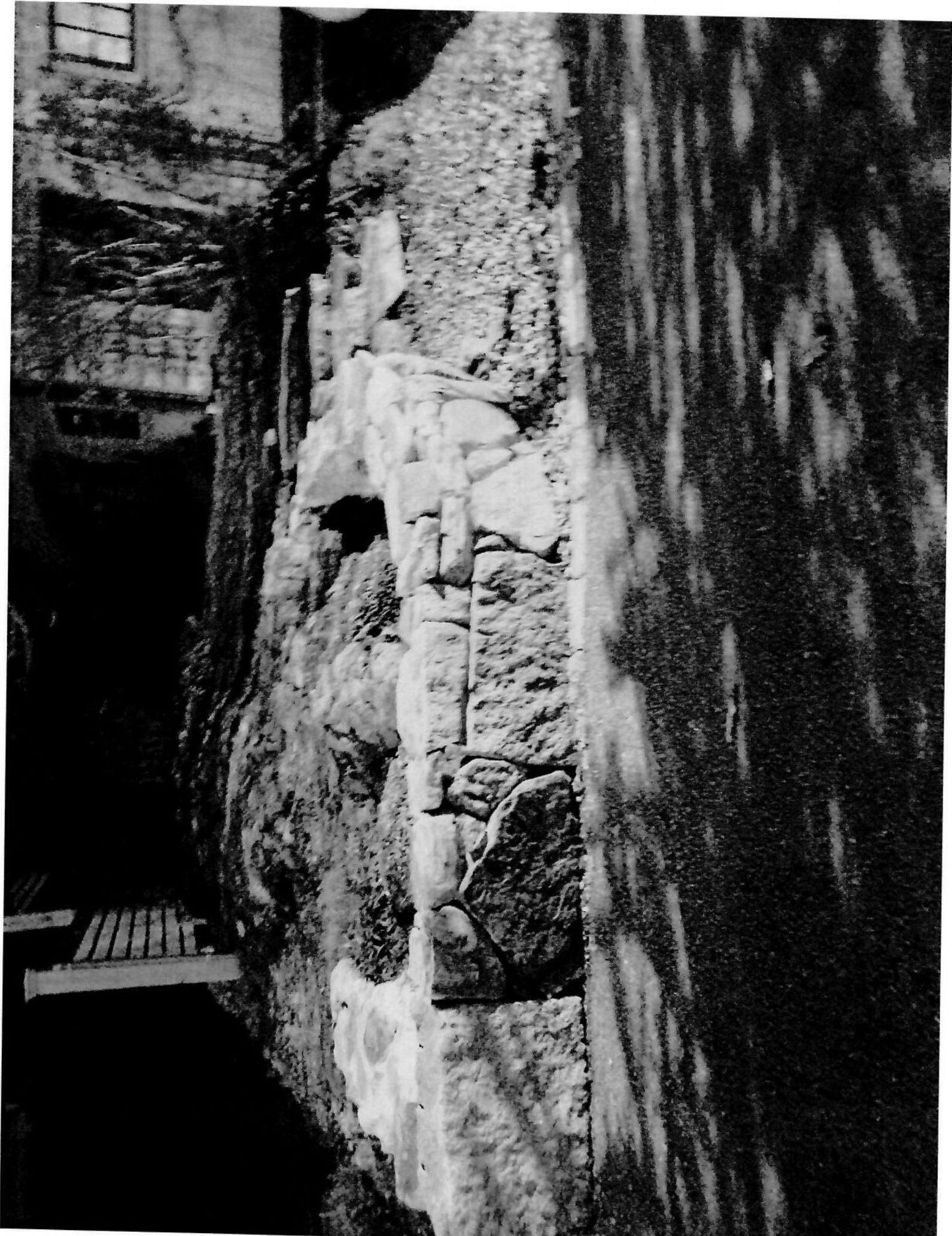
The Planning Board reviewed the plans and other submission material along with its Town Engineer – Douglas Saal and Building Commissioner. Throughout its deliberations, the Planning Board has considered the statements of the applicant and their representatives, and the comments of the general public, and as made at the public hearing.

*Department of Public Works (Statute 24G).*

2. The character of the site is preserved. (Such as but not limited to: protection of historical and natural resources and existing terrain, minimization of grade changes, tree and soil removal and protection of other existing site features.)
3. Measures to ensure adequacy of convenience and safety of vehicular and pedestrian movement within the site are convenient and safe (Such as but not limited to; traffic patterns, circulation, location of driveway openings, parking, loading, access by emergency vehicles, and visibility of and identity of street address numbers.)
4. External emissions of site are minimized or eliminated (Such as but not limited to; erosion, surface water runoff, pollution, sewage, disposal of refuse odors, noise, glare, light and any other environmental impacts.)
5. The adverse affects on abutting lots, the immediate neighborhood and the Town of Marblehead (Such as but not limited to; conflicts between residential, commercial and industrial uses, preservation of obstructions to public views, increases in use of Town services and impact on Town infrastructure.)

- 3) The GFA is greater than approved by the ZBA. After the former Building Commissioner, Robert S. Ives, allowed an unapproved crawl space change / swap in the basement as referenced in a 1/8/2007 letter (copy attached) that alleged crawl space area on "the left front side of the house" has been removed.









Decision filed in Town Clerk's Office: August 7, 2006

**TOWN OF MARBLEHEAD  
BOARD OF APPEALS**

Engineering Department  
7 Widger Road, Marblehead, Massachusetts 01945  
(781) 631-1529  
FAX (781) 631- 2617

**BOARD OF APPEALS**

**NOTICE OF DECISION**

Marblehead, Mass, August 7, 2006

The Board of Appeals, after notice, and public hearing on **TUESDAY, JULY 11, 2006 at 8:00 PM** in the Selectmen's meeting room, Abbot Hall, on the application of **DAVID & DEBORAH CLARKE** to vary the application of the present zoning bylaw by allowing a Special Permit to remove over 50% of a nonconforming building and the construction of an addition to an existing single family structure. The new construction will be within the required side yard setback and exceed 10% of the existing gross floor area on a preexisting nonconforming property with less than the required frontage, side, and front yard setbacks, exceeds maximum allowable height at **5 HARBORVIEW**, located within a **SHORELINE SINGLE RESIDENCE & SINGLE RESIDENCE DISTRICT**.

☐ Denied  
☒ Granted with Conditions  
☐ Applicant withdrew without prejudice

BOARD OF APPEALS

Alan Lipkind, Secretary

A decision of the Board of Appeals does not constitute the granting of a Building Permit. Building Permits must be obtained from the Building Commissioner. No action can be taken or Building Permit issued until the 20-day appeal period (which begins on the date the decision is filed with the Town Clerk) has passed, on the 21<sup>st</sup> day the decision is to be filed in the Registry of Deeds and a stamped receipt shall be proof of filing from the Registry of Deeds and to be returned to the Building Department. Failure to act on a favorable decision within one year renders the decision null and void.

## ATTACHMENT

The Special Permit is granted, with the following conditions:

1. 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 drawings approved and stamped by the Board of Appeals by that vote, or which is inconsistent with this decision and these conditions, without the applicant obtaining prior written approval from the Board of Appeals for such construction. Additionally, no demolition, building or occupancy permit, whether temporary, conditional or permanent, shall issue, except existing permit for interior demolition, for any work on the premises unless and until a copy of this decision, endorsed by the Town Clerk, is recorded in the Registry of Deeds as required by 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 in its entirety shall render this special permit null and void.
2. All surface water will be contained on the property.

**TOWN OF MARBLEHEAD  
BOARD OF APPEALS****Application of David and Deborah Clarke  
for a Special Permit pursuant to § 200-36.A.  
with respect to the property located at  
5 Harborview  
Assessors Map No. 112, Parcel 14**

Pursuant to notice mailed, postage prepaid, to the petitioners, abutters, and persons to whom such notice is required to be given, and pursuant to advertisements in *The Marblehead Reporter* on May 4 and May 11 of 2006, the Board of Appeals held a scheduled hearing at the Selectmen's Room at Abbot Hall, Marblehead, Massachusetts on Tuesday, May 23, 2006 at or after 7:45 p.m. and said hearing was continued with evidence taken to July 11, 2006 at or after 8:00 p.m.

Sitting for the Board of Appeals were members Bennet, Tenenbaum, Papanek, Burke-Jacobson and Chairman Moriarty. Member Bennet was absent on the continued hearing on July 11, 2006.

The applicants appeared without counsel on May 23, 2006 and with Attorney Paul Lynch on July 11, 2006. The applicants initially presented plans dated March 20, 2006 and subsequently presented plans dated July 11, 2006, both drawn by Siemasko + Verbridge, Inc., 126 Dodge Street, Beverly, Massachusetts in addition to a plot plan of land dated May 5, 2006 drawn by Gail L. Smith, Registered Land Surveyor, of North Shore Survey Corporation, 14 Brown Street, Salem, Massachusetts. The applicants sought permission to remove over 50% of a nonconforming building and the construction of an addition to an existing single-family dwelling. The new construction will be within the required side yard setback and will exceed 10% of the existing gross floor area on a preexisting nonconforming property with less than the required frontage, side yard and front yard setbacks in a Shoreline Single Residence District and partially in a Single Residence District.

The lot is 12,740 sq. ft. in area, with a frontage of 86.82 ft. The existing dwelling (which is to be partially razed) has a side yard setback on the southerly side of 6.4' and 30.9 on the northerly side. The front yard set back of the existing dwelling is 14 feet which less than the required 20 feet. The applicant wishes to move the structure towards the rear of the property by 6 feet in order to conform to the front yard setback. Because of the condition of the structure the applicant proposes to raze a portion of the existing house as depicted on the plans



presented with the application and construct a new dwelling (as defined by the Bylaw) in approximately the same location on the lot. The new dwelling will be 14.9 feet from the southerly side line by removing the existing stairs. The other existing side line setbacks will be maintained. Although the currently existing dwelling is 30.3' feet in height, the ridge height elevation of the dwelling will not change, but the existing grade against the house will be raised slightly which will allow the dwelling to conform to the 30 foot height limitation in the district. A shed will be moved to the rear area of the lot 6 feet off the northerly side line. The relief requested for the new dwelling would not further increase the pre-existing nonconformity with regard to side yard setback, or any other setback. The construction will increase the Total Gross Floor Area from 3174 square feet to 4285 square feet and will reduce the Net Open Area to Gross Floor Area ratio from 3.37:1 to 2.35 to 1.

The applicants presented a statement of support signed by many of the neighbors as well as a letter of support from Francis and Martha Mayo of 11 Harborview. Speaking in support of the application were Donald Seimans of 10 Harborview, Robert Hugo and Kathy Hugo of 41 Chestnut Street and Susan Elkin of 9 Harborview. All suggested that the proposed construction would enhance the neighborhood. Appearing in opposition to the application was Wayne Sheridan of 7 Harborview, the immediate abutter to the south of the subject property. Mr. Sheridan presented a handout expressing his concerns about the proposed project including height and setback nonconformities, parking and driveway area size and location, drainage and storm water runoff, re-siting of the building causing tree removal and basement use. He also expressed concern that because a substantial amount of the existing dwelling was to be removed the property should be made conforming. Jim Heffrin of 3 Harborview expressed concern as to potential drainage issues, although he stated that he is generally in favor of the application.

The Board discussed the neighbor's concerns at length. First, while the removal of a portion of the structure would render the property conforming to zoning briefly only to have it become nonconforming again upon construction, Chairman Moriarty noted that is the function of the Board to grant special permits for nonconforming properties. It was also noted that the lot area was certainly big enough to support the proposed project and that the resulting NOA ratio would be well within the minimum required NOA ration of 1:1. In addition, while the side yard setback requirements are 25 feet in this district, the applicants' proposal to decrease the side yard nonconformity from 6.4 feet to 14.9 feet by removing the existing stairway will make the property less nonconforming. While Mr. Sheridan expressed concerns that the

existing height non-conformity would not be remedied, the board noted that even if that were to be true the nonconformity was diminimis at .3 feet over the 30 foot maximum allowed height. Additionally, no other non-conformities would be increased by the allowance of the special permit. The Board discussed the abutters' concerns regarding storm water runoff and concluded that while the by-law requires a property owner to keep water on his or her own property, the permit might be granted conditioned upon the applicant retaining any additional surface water on the subject property. It was noted that the plans as drawn represent a reasonable addition and call for an aesthetically pleasing, professionally drawn project that would not dwarf or overpower neighboring homes.

Based on the above factors, the Board made the necessary findings as set forth in Section 200-36.B of the By-Laws as most recently amended, to wit: That the granting of the application will be consistent with the general purpose and intent of the Bylaw; that the specific site is an appropriate location for the building as modified; that neither the building as modified nor the use of the building will adversely affect the neighborhood; that there will be no nuisance or serious hazard to vehicles or pedestrians resulting from the construction and modification of the building; and that adequate and appropriate facilities will be provided for the proper operation of the building as constructed and modified.

The Board voted unanimously as follows:

Ms. Papanek-Yes  
Ms. Burke Jacobson-Yes  
Mr. Moriarty—Yes  
Ms. Tenenbaum—Yes

The Special Permit is granted, with the following conditions:

1. 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 drawings approved and stamped by the Board of Appeals by that vote, or which is inconsistent with this decision and these conditions, without the applicant obtaining prior written approval from the Board of Appeals for such construction. Additionally, no demolition, building or occupancy permit, whether temporary, conditional or permanent, shall issue , except existing permit for interior demolition, for any work on the premises unless and until a copy of this decision,



endorsed by the Town Clerk, is recorded in the Registry of Deeds as required by 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 this special permit null and void.

2. All surface water will be contained on the property.

BOARD OF APPEALS  
TOWN OF MARBLEHEAD

By: Andrea Papanek  
Andrea Papanek, Member

*Rec'd Linda M. Belzoni Antom Club*

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

*Thomas A. McNulty*  
Thomas A. McNulty  
Town Clerk-Marblehead

RECEIVED  
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TOWN CLERK  
2006 AUG - 7 AM 8:44

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**NO ENV.**

**TOWN OF MARBLEHEAD  
PLANNING BOARD  
SITE PLAN APPROVAL DECISION**

  
**2006082800102 Bk:26022 Pg:238**  
08/28/2006 09:14:00 OTHER Pg 1/3

**Applicant:** David Clarke

**Project Address:** 5 Harborview Assessor's Map 112, Lots 14

**Date:** July 13, 2006

On June 13, 2006 the Marblehead Planning Board held a hearing on an application, to construct an addition to an existing single-family dwelling at 5 Harborview, pursuant to Site Plan Approval Special Permit Section 200-37 of the Marblehead Zoning Bylaw.

A public hearing was opened on May 9, 2006 with no evidence taken and continued to June 13, 2006.

At a regularly scheduled meeting of the Planning Board held on June 13, 2006, the Board voted (5-0) Stern, Helmes, Bishop, Zemel and Johnson in favor to approve the application as complying with the requirements for the issuance of a special permit subject to the conditions listed in this decision.

The Planning Board reviewed the plans and other submission material along with its Town Engineer – Douglas Saal and Building Commissioner. Throughout its deliberations, the Planning Board has considered the statements of the applicant and their representatives, and the comments of the general public, and as made at the public hearing.

**I. Findings**

1. The subject property is located at 5 Harborview, Assessor's Map 112, Lots 14
2. The site abuts residential uses on the southern, western and northern and eastern boundaries.
3. The property fronts on Harbor view.
4. The applicant proposes to move the existing structure and construct an addition to the existing single-family dwelling. The applicant presented the following summary of the project to the Board:

The property, located partially within the SINGLE RESIDENCE DISTRICT and partially within a SHORELINE SINGLE RESIDENCE DISTRICT, consists of a single lot of land containing 12,632 +/- square feet of land and 90 +/- feet of frontage. The property contains an existing single-family dwelling The Applicant proposes to move the existing structure and construct an addition.

Wayne Sheridan 7 Harbor view spoke in opposition to the proposal

Wayne Sheridan 7 Harbor view spoke in opposition to the proposal

## **II. Special Permit Criteria**

Section IX.D.3. Basis Standards for Special Permit for Site Plan Approval Planning Board states:

The Planning Board shall make its decision regarding the Special Permit after considering the following criteria standards:

- The general purpose and intent of this Bylaw;
- Compliance with the technical requirements of this section; and to the extent that the criteria listed below is affected, and applicability with all federal, state and local laws including the Bylaws of the Town of Marblehead.
- To the maximum extent feasible, whether the following standards are met:
  1. Preservation of Architectural and design features including harmony with the prevailing character and scale of buildings in the neighborhood and Town, (Such as but not limited to; building materials, screening, breaks in roof and wall lines, adequate light, air, circulation and separation between buildings).
  2. The character of the site is preserved. (Such as but not limited to: protection of historical and natural resources and existing terrain, minimization of grade changes, tree and soil removal and protection of other existing site features.)
  3. Measures to ensure adequacy of convenience and safety of vehicular and pedestrian movement within the site are convenient and safe (Such as but not limited to; traffic patterns, circulation, location of driveway openings, parking, loading, access by emergency vehicles, and visibility of and identity of street address numbers.)
  4. External emissions of site are minimized or eliminated (Such as but not limited to; erosion, surface water runoff, pollution, sewage, disposal of refuse odors, noise, glare, light and any other environmental impacts.)
  5. The adverse affects on abutting lots, the immediate neighborhood and the Town of Marblehead (Such as but not limited to; conflicts between residential, commercial and industrial uses, preservation of obstructions to public views, increases in use of Town services and impact on Town infrastructure.)

## **III. Specific Findings**

1. The existing house will be moved back from the street.
2. The applicant is seeking approval from the board of appeals for relief from dimensional requirements.

## **IV. Specific Conditions of Decision**

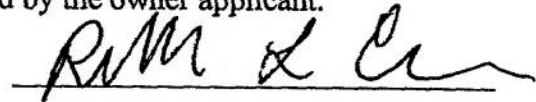
As specified in Section 37. Conditions for Special Permit for Site Plan Approval the Planning Board grant this site plan approval special permit in accordance with the following conditions

1. Construction Practices - All Construction shall be carried out in accordance with the following conditions:

- a. No work shall commence before 7:00 AM. No work shall be conducted after 5:00 PM. No work shall be conducted on Sundays or holidays.
- b. All reasonable action shall be taken to minimize the negative effects of construction on abutters.
- c. All construction vehicles shall be cleaned prior to leaving the site so that they do not leave dirt or debris on roadways as they leave the site.
- d. Clean up all dirt and debris deposited on public ways and damage by vehicles leaving the site shall be the responsibility of the developer his successors or assigns. This shall include street sweeping.

2 Violations

- a. Violation of any conditions may result in revocation of this permit by the Planning Board.
- b. This special permit shall not take effect until a copy of this decision 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 no appeal has been filed or that if such appeal has been filed, that it has been dismissed or denied, is recorded in the Essex County Registry of Deeds and is indexed in the grantor index under the name of the owner of record and noted on the owner's certificate of title. The fee for recording or registry shall be paid by the owner applicant.

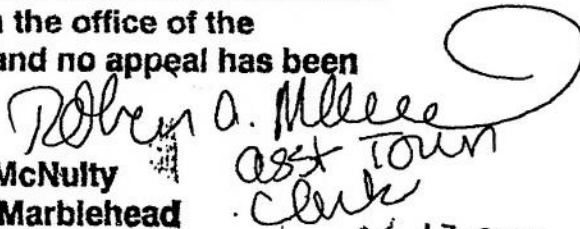


FOR THE PLANNING BOARD

Filed with Town Clerk \_\_\_\_\_ on \_\_\_\_\_ at \_\_\_\_\_

I hereby certify that twenty days  
Have elapsed since this decision has  
been filed in the office of the  
town Clerk and no appeal has been  
filed.

Thomas A. McNulty  
Town Clerk-Marblehead

  
Robert A. McNeely  
Asst Town Clerk

2006 JUL 14 AM 10:21

RECEIVED  
MARBLEHEAD  
TOWN CLERK



Robert S. Ives, Jr.  
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

Re: 5 Harbor View, Map112 - Parcel 14

Dear Members of the ZBA;

1-8-2007

In a letter dated 8-31-2006 Building Inspector Mr. Doane and I outlined our opinion of the existing construction of the cottage owned by Mr. David Clarke at 5 Harborview. At that time we were both in agreement that the structure was largely inadequate to accommodate the proposed relocation and renovation of the building as had been approved by the ZBA on 7-11-2006. Mr. Clarke made the effort to save the first and second floor framing as well as the corner posts of the original structure.

On 10-10-2006 I received a letter from Mr. Wayne Sheridan of 7 Harborview concerning the project at 5 Harborview. In response to his letter I conducted a site visit and found that the work completed as of that date generally appeared to be in compliance with the ZBA special permit. Although there were no new doors or windows in place at that time it was pointed out to the owner that he would be required to seek administrative approval to change door or window locations. Mr. Clarke received administrative approval on 10-24-2006 to reconstruct the existing roof structure and to relocate various doors, windows and stairs. We received a certified plot plan from North Shore Survey dated 10-20-2006 indicating that the "as built" conditions comply with the proposed plan dated 5-5-2006 approved by the ZBA on 7-11-2006, and as further administratively approved on 10-24-2006.

I received a second letter from Mr. Sheridan dated 11-12-2006 suggesting that the work at 5 Harborview is not in compliance with the changes approved administratively on 10-24-2006 and additionally that the GFA of the basement under construction exceeds what was originally approved. On 11-17-2006 I conducted an inspection of the project and met again at the site with Mr. Clarke on 12-19-2006 to review his proposal for the areas within the basement. Mr. Clarke stated that the reason for the alleged discrepancy in GFA is that the mechanical room was relocated to the right rear of the basement where it formerly was thought to be ledge. To adjust for this Mr. Clarke has relocated an equal portion of the crawl space area displaced by the mechanical room to the left front side of the house.

I made a follow up inspection on 1-8-2007 and have found that the exterior of the building as constructed is as approved administratively on 10-24-2006, and furthermore that there is no net change proposed to the GFA stated on page three of the original application. Therefore I do not see any cause to interrupt work allowed under Building Permit #16211.

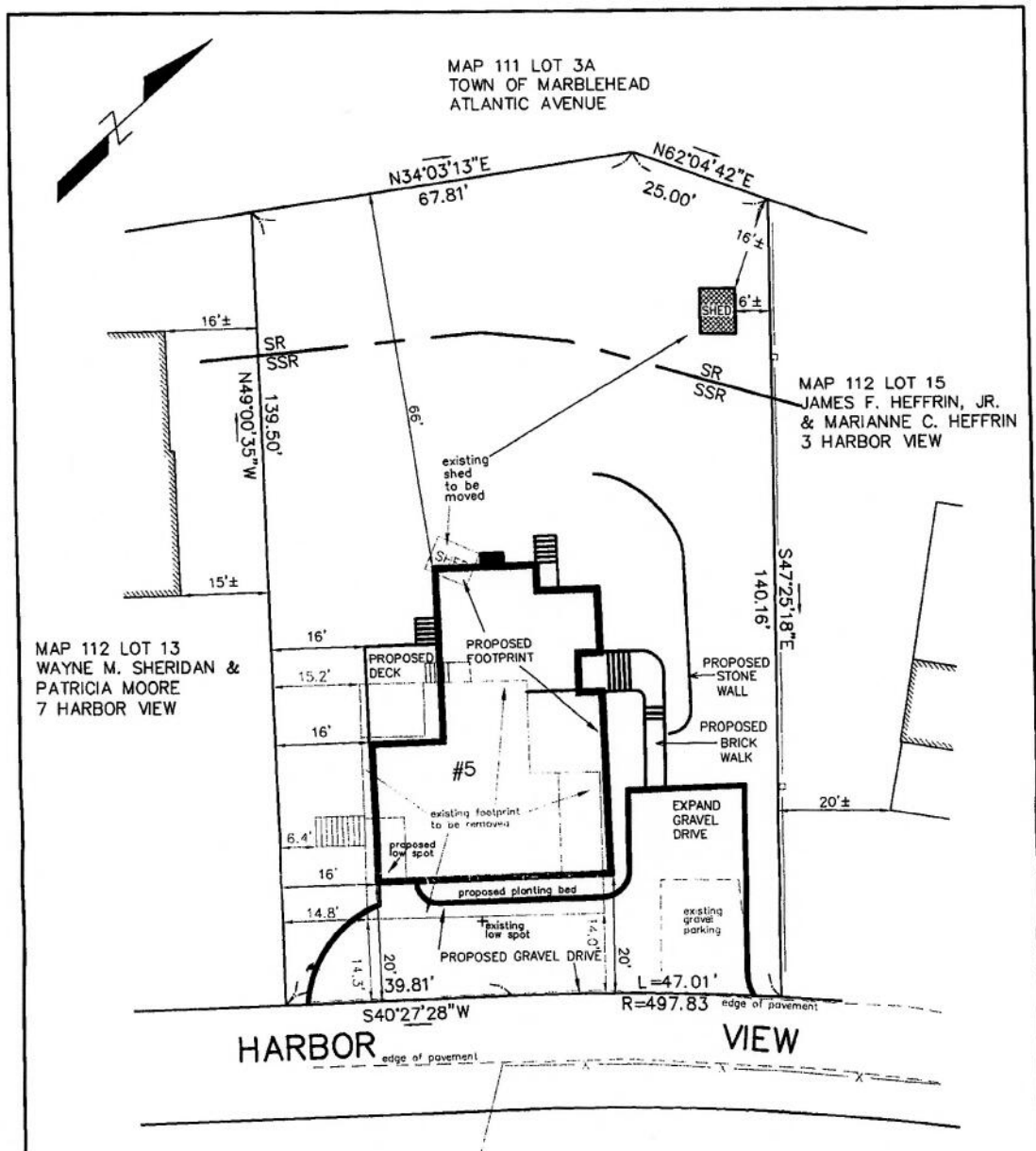
If you need additional information please call this office.

Respectfully,

Robert S. Ives  
Building Commissioner

Cc: Wayne Sheridan  
David Clarke





ZONING DISTRICT - SHORELINE SINGLE RESIDENCE

LOT AREA	REQUIRED EXISTING PROPOSED		
	10,000	12,740	12,740
FRONTAGE	100	86.82	86.82
FRONT	20	14.0	20
SIDE	25	6.4	16
REAR	15	84.5	66
BLDG HEIGHT	30	29.7	29'-11"

NOTES:

- THIS PLOT PLAN IS THE RESULT OF AN INSTRUMENT SURVEY.
- LOCUS IS SHOWN AS LOT 14 ON MARBLEHEAD ASSESSOR'S MAP 112.
- ELEVATIONS ARE BASED ON NGVD OF 1929.

PLOT PLAN OF LAND

5 HARBOR VIEW

MARBLEHEAD

PROPERTY OF

DAVID & DEBORAH CLARKE

SCALE 1" = 20' APRIL 7, 2006

NORTH SHORE SURVEY CORPORATION

14 BROWN STREET - SALEM, MA

I CERTIFY THAT THE BUILDINGS  
HEREON ARE LOCATED ON  
THE GROUND AS SHOWN.

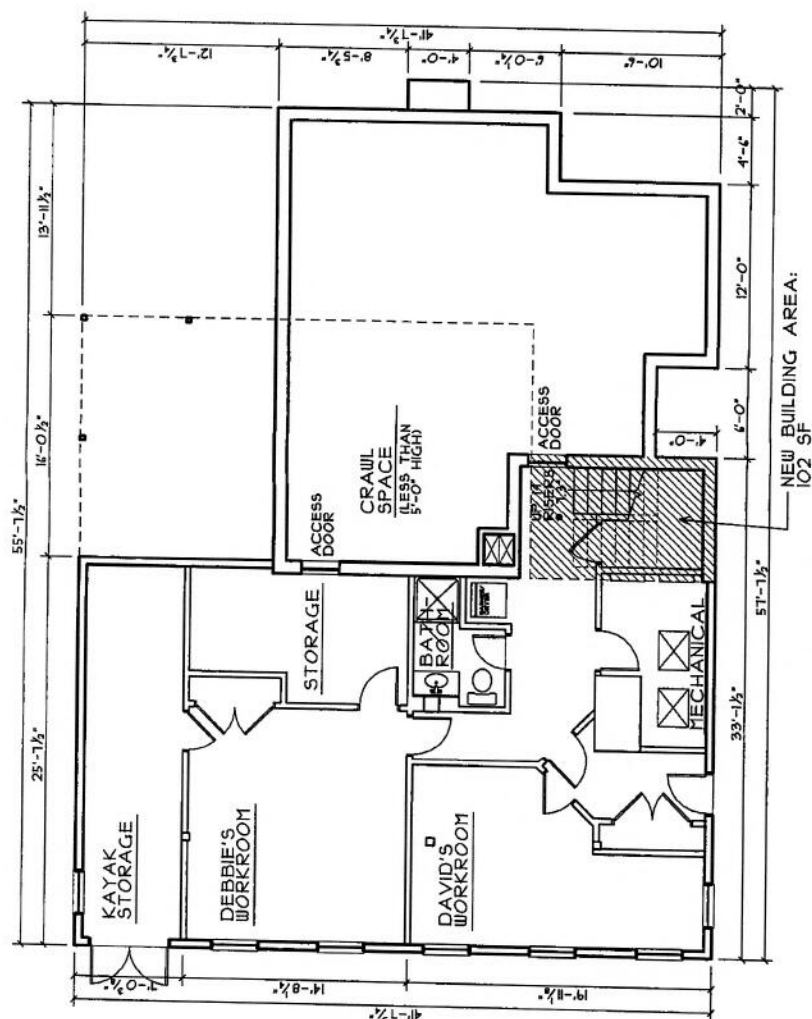


4/7/06  
DATE

*Gail L. Smith*  
REG. PROF. LAND SURVEYOR

#2624





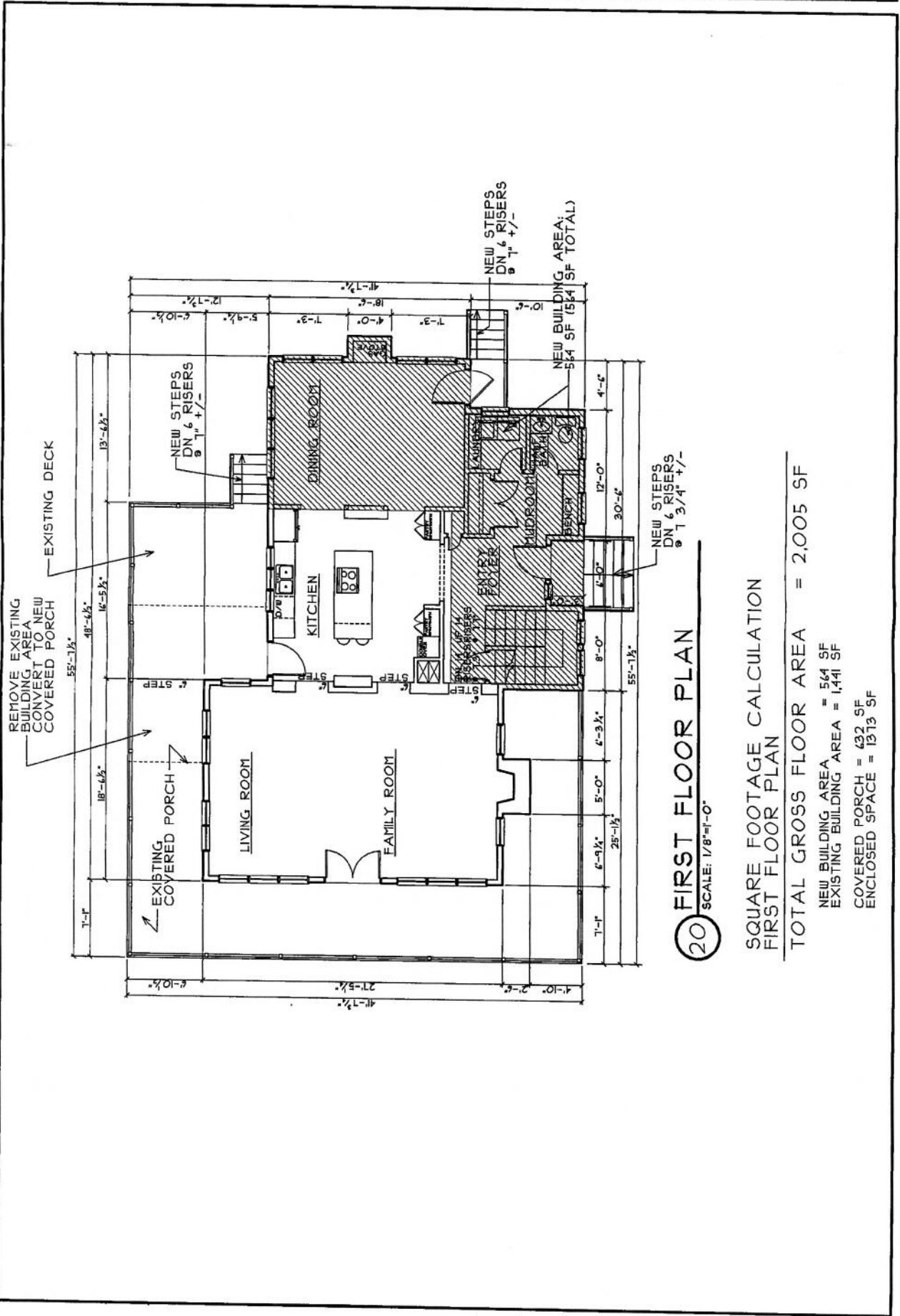
**10 BASEMENT PLAN**  
SCALE: 1/8"=1'-0"

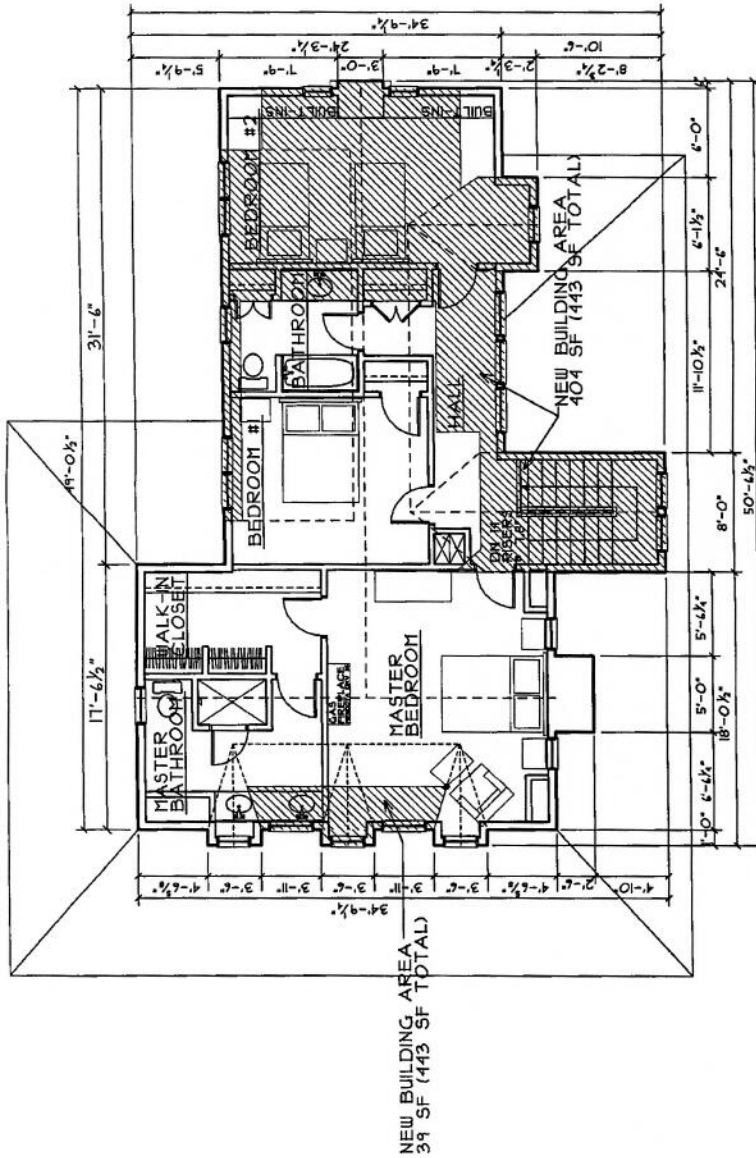
**SCALE: 1/8"=1'-0"**

SQUARE FOOTAGE CALCULATION  
BASEMENT PLAN

TOTAL GROSS FLOOR AREA = 1,150 SF  
(N.I.C. CRAWL SPACE)

NEW BUILDING AREA = 102 SF  
EXISTING BUILDING AREA = 1,048 SF





# ATTIC FLOOR PLAN

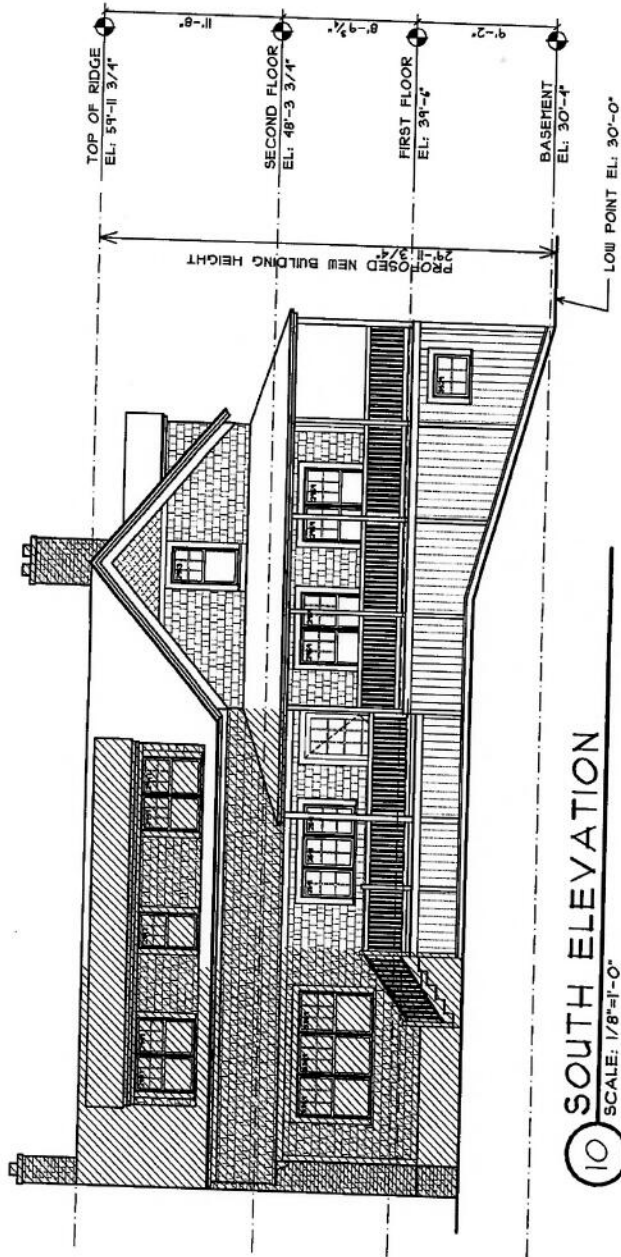
SCALE: 1/8"=1'-0"

SQUARE FOOTAGE CALCULATION  
ATTIC FLOOR PLAN

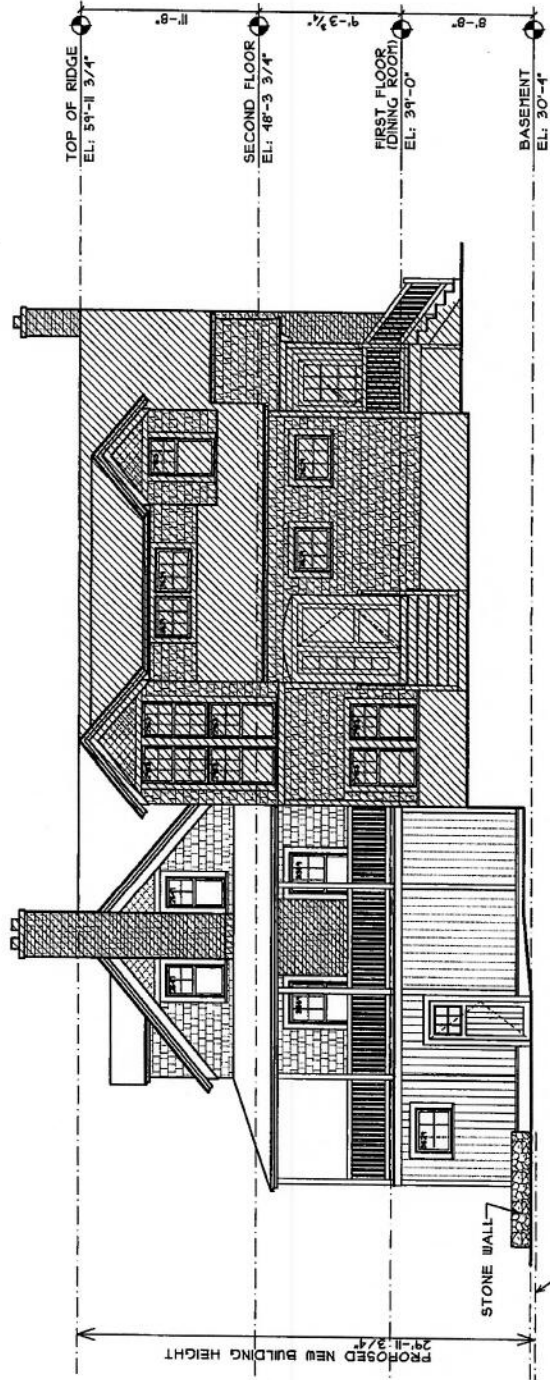
TOTAL GROSS FLOOR AREA = 1,050 SF

NEW BUILDING AREA = 443 SF  
EXISTING BUILDING AREA = 607 SF

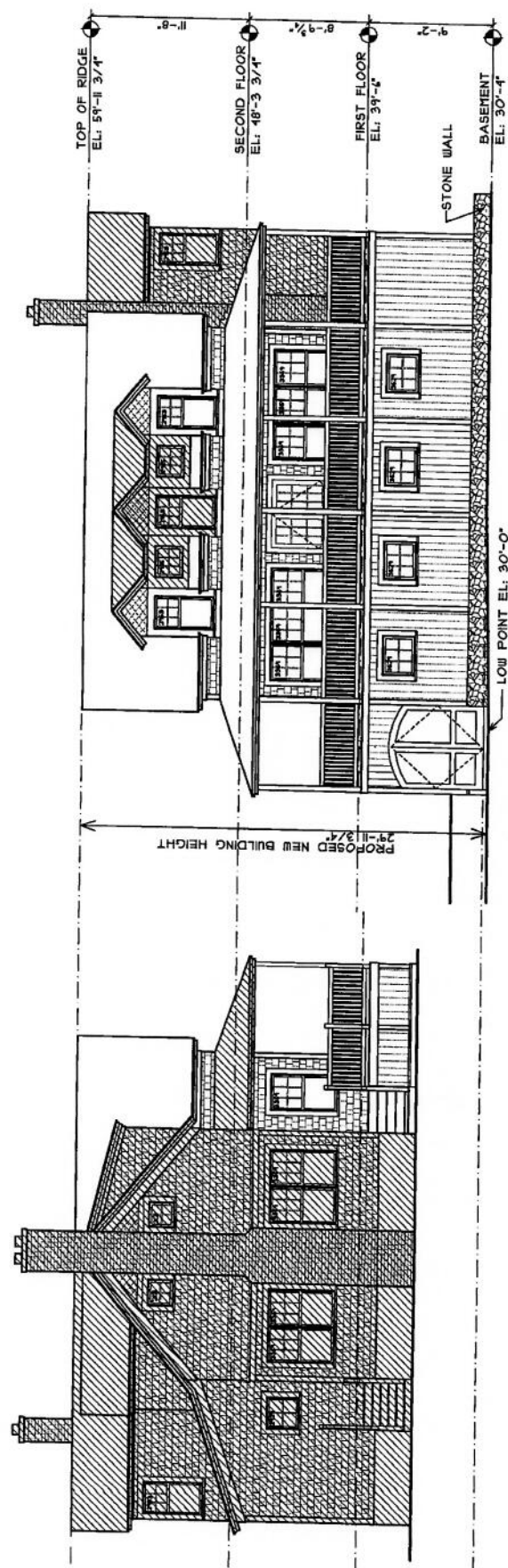
<b>Siemasko + Verbridge</b> 5 Harborview 126 Dodge St. Beverly, MA 01915 1 978.927.3745 svdesign.com		A2.1 © Siemasko + Verbridge, Inc.
Architectural Interior Design Landscape Design	Drawn by: R. Drew Date: 3/20/06 Scale: 1/8"=1'-0"	Project #: 0099 CLARK Plot Date: 3/24/2006 File Name: 0099 CLARK
South Elevation		Revisions # Description Date By



10 SOUTH ELEVATION  
 SCALE: 1/8"=1'-0"



20 NORTH ELEVATION  
 SCALE: 1/8"=1'-0"  
 LOW POINT EL: 30'-0"



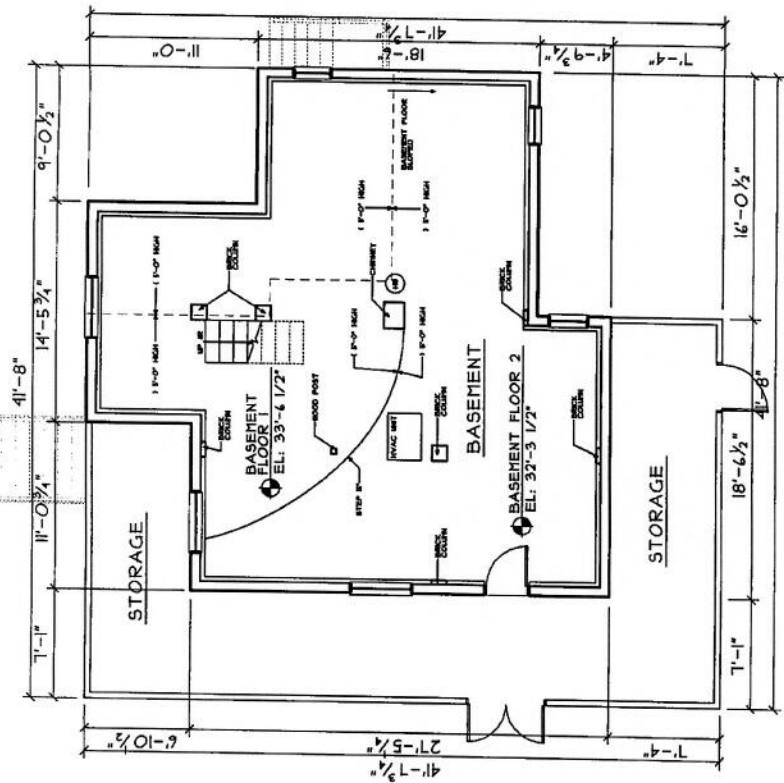
**40 EAST ELEVATION**  
 SCALE: 1/8"=1'-0"

**30 WEST ELEVATION**  
 SCALE: 1/8"=1'-0"



# EXISTING

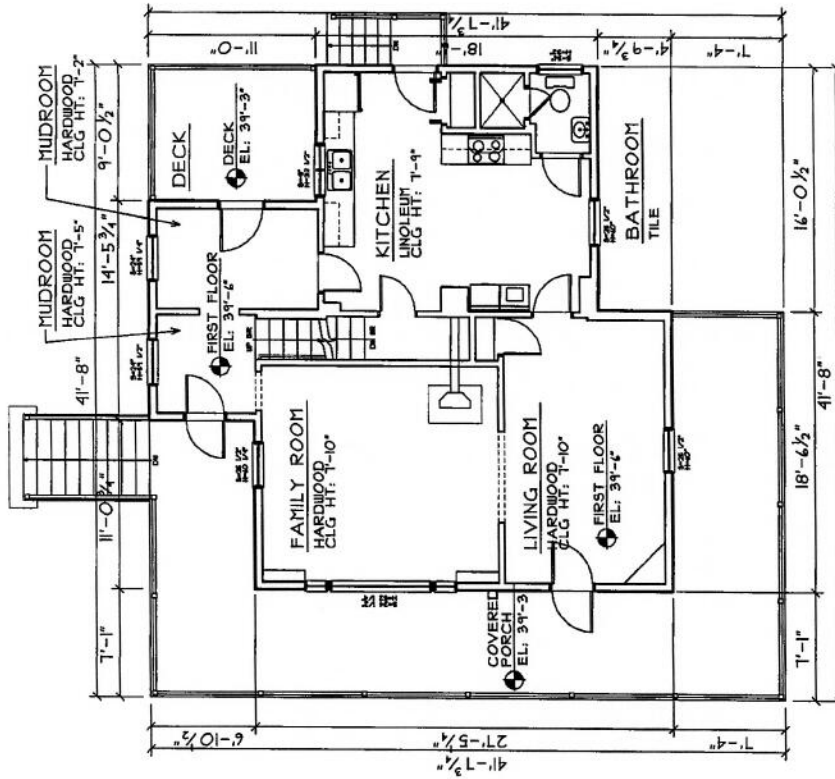
SQUARE FOOTAGE CALCULATION  
 TOTAL GROSS FLOOR AREA = 3,174 SF  
 1ST FLOOR = 934 SF  
 COVERED PORCH = 371  
 ATTIC = 632 SF  
 BASEMENT = 126 SF  
 AREA UNDER  
 COVERED PORCH = 431 SF  
 SHED = 80



10 BASEMENT PLAN  
 SCALE: 1/8"=1'-0"

# EXISTING

SQUARE FOOTAGE CALCULATION  
 TOTAL GROSS FLOOR AREA = 3,174 SF  
 1ST FLOOR = 934 SF  
 COVERED PORCH = 371  
 ATTIC = 232 SF  
 BASEMENT = 126 SF  
 AREA UNDER COVERED PORCH = 431 SF  
 SHED = 80

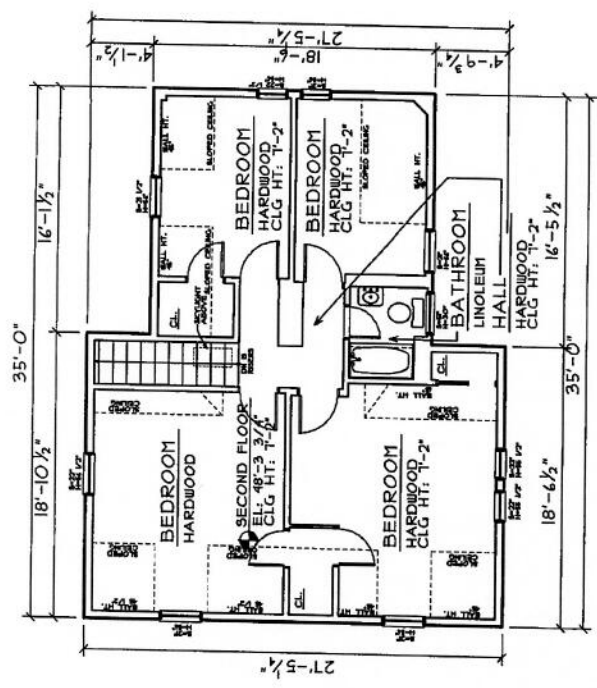


20 FIRST FLOOR PLAN  
 SCALE: 1/8"=1'-0"

SQUARE FOOTAGE CALCULATION

TOTAL GROSS FLOOR AREA = 3,174 SF

1ST FLOOR = 934 SF  
COVERED PORCH = 311  
ATTIC = 632 SF  
BASEMENT = 126 SF  
AREA UNDER  
COVERED PORCH = 431 SF  
SHED = 80

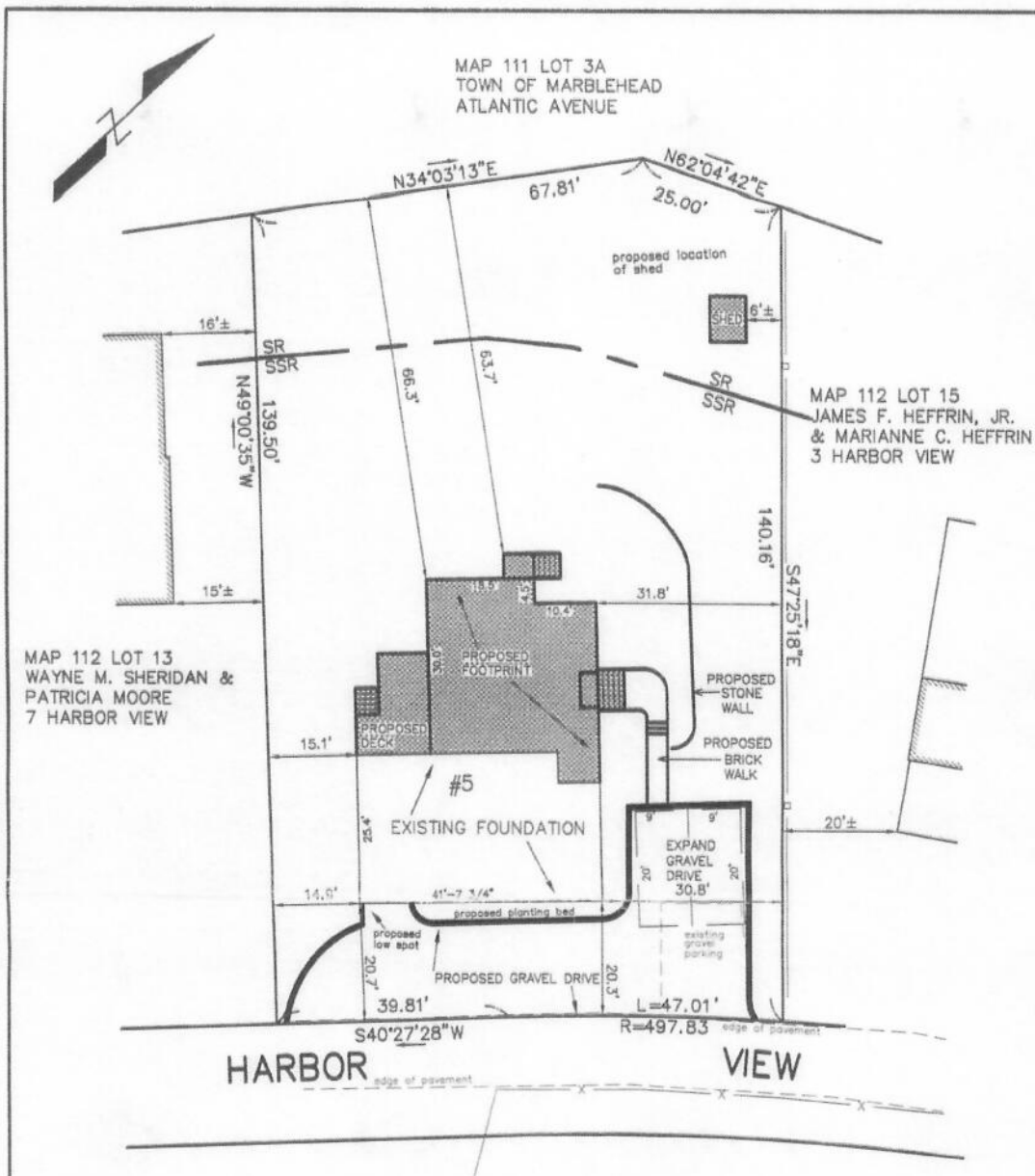


30 ATTIC FLOOR PLAN  
SCALE: 1/8"=1'-0"

EXISTING







NOTES:

- THIS PLOT PLAN IS THE RESULT OF AN INSTRUMENT SURVEY.
- LOCUS IS SHOWN AS LOT 14 ON MARBLEHEAD ASSESSOR'S MAP 112.
- ZONING DISTRICT - SHORELINE SINGLE RESIDENCE

I CERTIFY THAT THE BUILDINGS  
HEREON ARE LOCATED ON  
THE GROUND AS SHOWN.



10/20/06  
DATE REG. PROF. LAND SURVEYOR

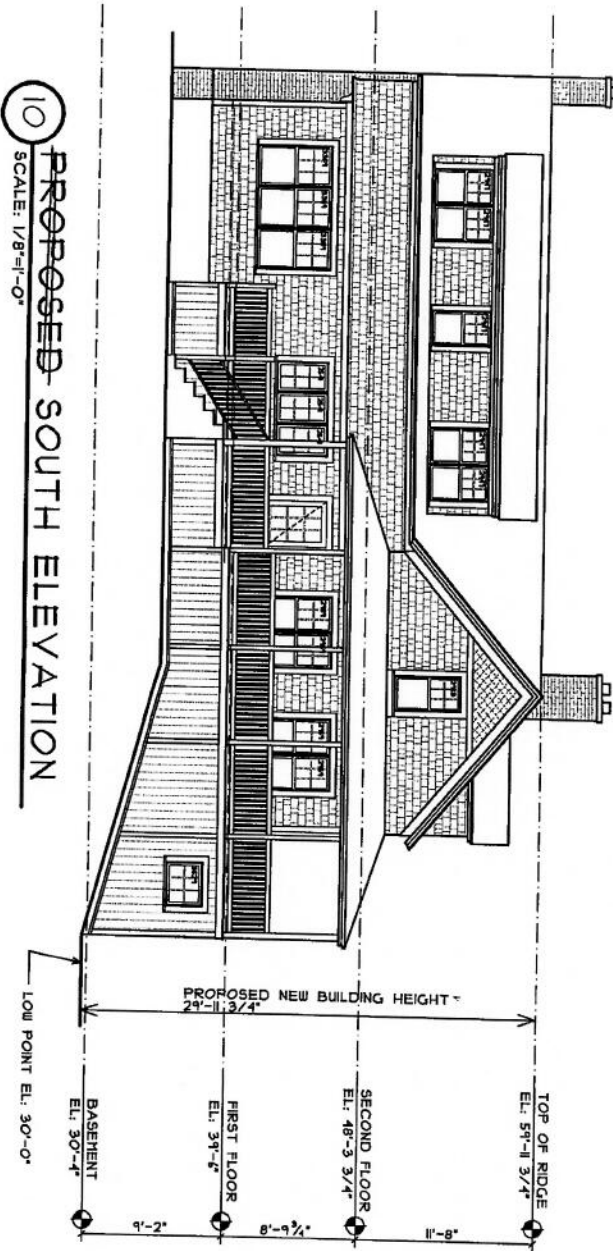
PLOT PLAN OF LAND  
5 HARBOR VIEW  
MARBLEHEAD  
PROPERTY OF  
DAVID & DEBORAH CLARKE  
SCALE 1" = 20' OCTOBER 20, 2006  
NORTH SHORE SURVEY CORPORATION  
14 BROWN STREET - SALEM, MA

MARBLEHEAD, MA  
OCT 24 2006  
BOARD OF APPEALS

#2624



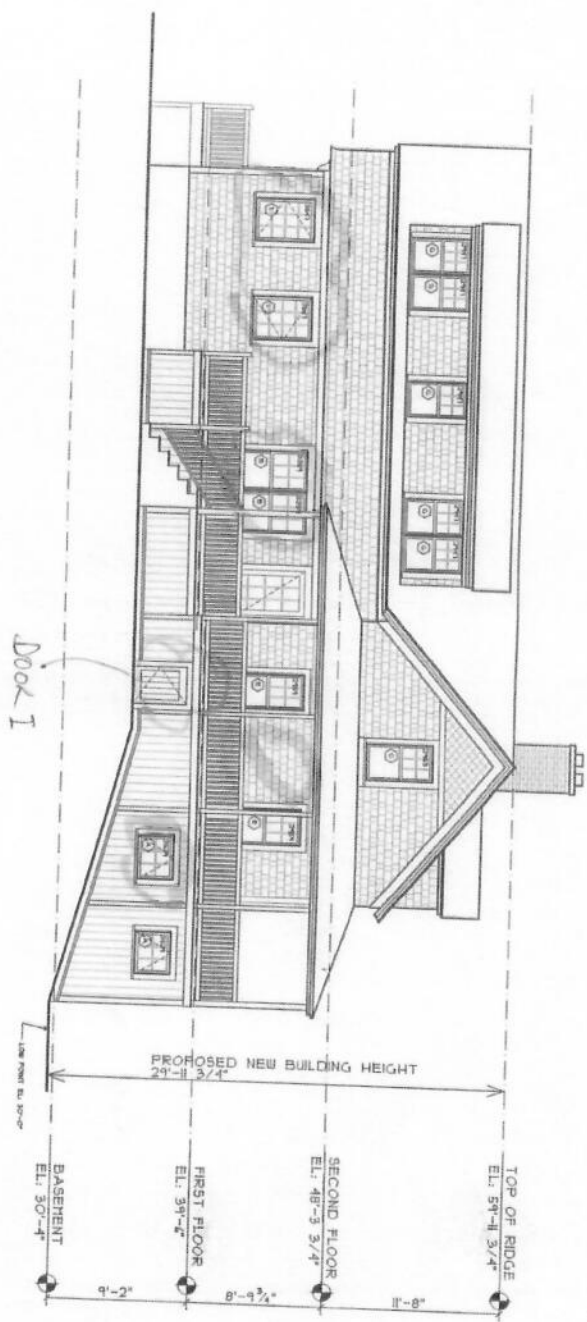
APPROVED



<b>A2.1</b>		<b>5 Harborview</b> <b>Siemasko + Verbridge</b> 126 Dodge St. Beverly, MA 01915 svdesign.com t 978.927.3745 f 978.927.6363	Marblehead, MA • Architecture • Interior Design • Landscape Design	<b>South Elevation</b>		<b>Revisions</b>		
				Scale: 1/8"=1'-0" Date: 7/11/06 Drawn by: R. Drew	File Name: 05_01_06_01_01.dwg Plot Date: 10/19/2006 Project #: 0099 CLARKE	# Description 1.	Date 10/19/2006	By R. Drew

PROPOSED

MARBLEHEAD, MA  
OCT 24 2006  
BOARD OF APPEALS

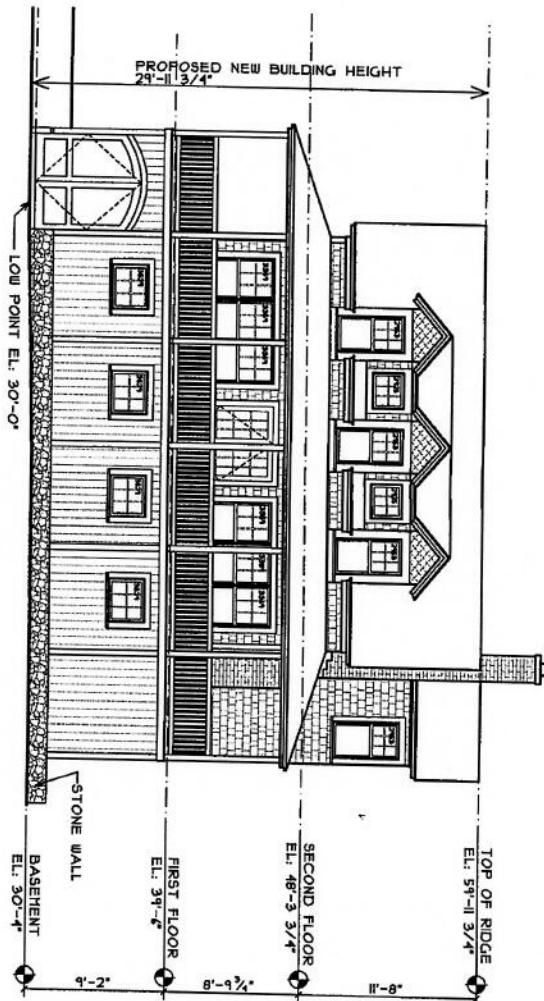


10 SOUTH ELEVATION  
SCALE: 1/8"=1'-0"

SOUTH ELEVATION

- Window A Add 1 window  
B Change triple casement to double double hung  
E Change double windows to single windows  
L Change triple double hung to 2 casements  
Door 1 Add access door

APPROVED



20 PROPOSED EAST ELEVATION  
SCALE: 1/8"=1'-0"

A2.2		5 Harborview	Marblehead, MA	East Elevation		Revisions				
		Siemasko + Verbridge	126 Dodge St. Beverly, MA 01915 svdesign.com t 978.927.3745 f 978.927.6365	▪ Architecture ▪ Interior Design ▪ Landscape Design	Scale: 1/8"=1'-0"	File Name: PL1_Siemasko+Verbridge.dwg	#	Description	Date	By
					Date: 7/11/06	Plot Date: 10/19/2006				
				Drawn by: R. Drew	Project #: 0099 CLARKE					

# PROPOSED



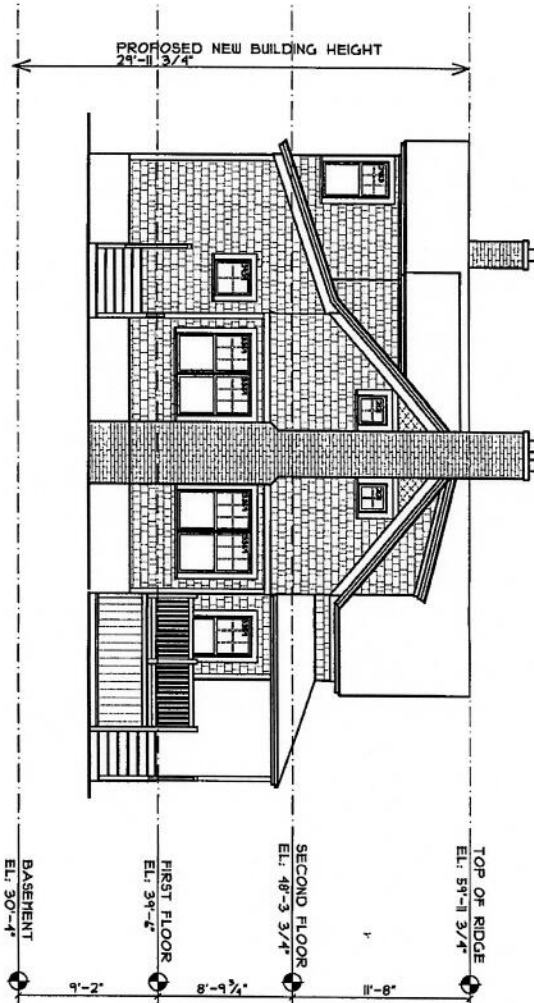
20 EAST ELEVATION  
SCALE: 1/8"=1'-0"

EAST ELEVATION

- Window A Add 1 window
- Door D Change double hung to awning
- Door 2 Change double door to single door

<b>A2.2</b> 	<b>5 Harborview</b> <b>Siemasko + Verbridge</b> 126 Dodge St. Beverly, MA 01915 svdesign.com 1.978.927.3745 1.978.927.6365		Marblehead, MA <b>East Elevation</b> Scale: 1/8"=1'-0" Date: 10/5/06 Drawn by: R. Drew		<b>Revisions</b> <table border="1"> <thead> <tr> <th>#</th> <th>Description</th> <th>Date</th> <th>By</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> </tbody> </table>		#	Description	Date	By												
	#	Description	Date	By																		
File Name: A2.2_Siemasko + Verbridge.dwg Plot Date: 10/19/2006 Project #: 6099 CLARKE		Project #: 6099 CLARKE																				
Project #: 6099 CLARKE		Project #: 6099 CLARKE																				
Project #: 6099 CLARKE		Project #: 6099 CLARKE																				

APPROVED



30 PROPOSED WEST ELEVATION  
SCALE: 1/8"=1'-0"

<div><div>A2.3</div><div></div></div>	5 Harborview		Marblehead, MA	West Elevation		Revisions			
	Siemasko + Verbridge		<div><div>■ Architecture</div><div>■ Interior Design</div><div>■ Landscape Design</div></div>	Scale: 1/8"=1'-0"	File Name: 44_1_PlanWestElevation.dwg	#	Description	Date	By
				Date: 7/11/06	Plot Date: 10/19/2006				
126 Dodge St. Beverly, MA 01915 svdesign.com t 978.927.3745 f 978.927.6365				Drawn by: R. Drew	Project #: 0059 CLARKE				

# PROPOSED



## WEST ELEVATION

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

### WEST ELEVATION

- Window C Change 2 double hung to 2 awning
  - D Change double hung to awning
  - D Decrease size by 4"
  - FHF Change double hungs to casements
  - Door 3 Moved from north elevation-switched with window C
- Remove chimney, change direction of stairs

A2.3

5 Harborview

**Siemasko + Verbridge**

126 Dodge St. Beverly, MA 01915 svdesign.com 1.978.927.3745 f.978.927.6365

Marblehead, MA

- Architecture
- Interior Design
- Landscape Design

### West Elevation

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

Date: 10/05/06

Drawn by: R. Drew

File Name: 05.1.1.dwg

Plot Date: 10/19/2006

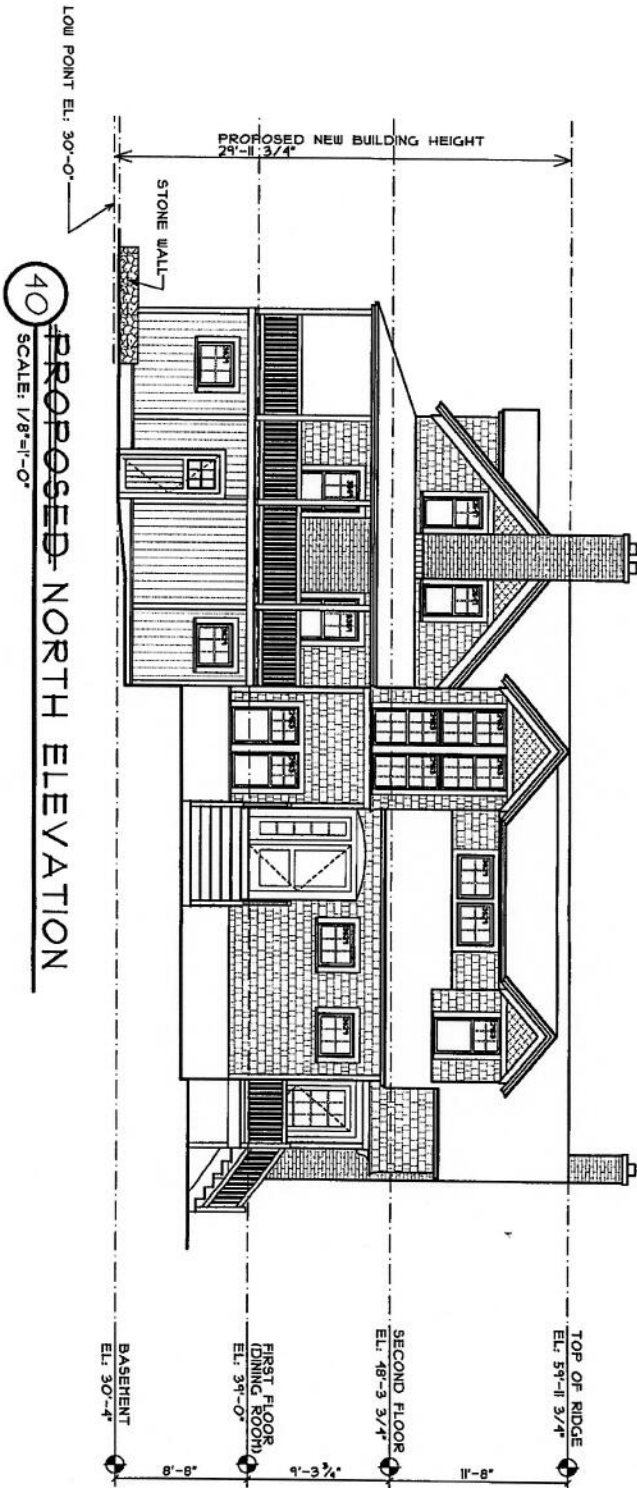
Project #: 0029 CLARKE

### Revisions

#	Description	Date	By



APPROVED



40 ~~PROPOSED~~ NORTH ELEVATION  
SCALE: 1/8"=1'-0"

A2.4		5 Harborview	Marblehead, MA	North Elevation		Revisions					
		Siemasko + Verbridge	<div><div>▪ Architecture</div><div>▪ Interior Design</div><div>▪ Landscape Design</div></div>	Scale: 1/8"=1'-0"	File Name: A:\_Client\Projects\106	#	Description	Date	By		
				Date: 7/11/06	Plot Date: 10/19/2006						
		126 Dodge St. Beverly, MA 01915	svdesign.com	t 978.927.3745	f 978.927.6365	Drawn by: R. Drew			Project #: 0099 CLARKE		

# PROPOSED



40 NORTH ELEVATION  
SCALE: 1/8"=1'-0"

NORTH ELEVATION

- Window D Change double hung to awning-twice
- C Add window in place of door
- K Change double hung to awning
- Door 4 Switch door #4 and Window A
- 5 Remove curve over door