



TOWN SEAL  
tel: 781-631-1529

fax: 781-631-2617

Revision Date: 12-02-20

# Town of Marblehead **ZONING BOARD OF APPEALS**

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

## **ZBA APPLICATION**

PAGE 1 of 3

2021 JAN 27 PM 4:53

Town Clerk

Project Address 8 and 10 Foster Street, Marblehead, MA 01945

Assessor Map(s) 907 Parcel Number(s) Lots 5D and 5E

Reviewed by  
Building Department  
For Zoning Board  
Of Appeals

### **OWNER INFORMATION**

Signature [Signature] date January 22, 2021

Name (printed) Katherine L. Bracken, Trustee of DEB AND KLB REVOCABLE TRUST

Address 10 Foster Street, Marblehead, MA 01945

Phone Numbers: home - - work 781-223-2217

E-mail davidbracken19@gmail.com; klbracken@gmail.com fax - -

### **APPLICANT or REPRESENTATIVE INFORMATION** (if different from owner)

Signature [Signature] date January 22, 2021

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 9780739-8455

### **PROJECT DESCRIPTION & RELIEF REQUESTED** (attach additional page if necessary)

SEE ATTACHED DESCRIPTION

- 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/](http://www.marblehead.org/)

**PROJECT DESCRIPTION & RELIEF REQUESTED**

Reviewed by  
Building Department  
For Zoning Board  
Of Appeals

8 and 10 Foster Street, Marblehead, MA 01945  
Katherine L. Bracken, Trustee of DEB AND KLB REVOCABLE TRUST

The Applicant requests that the Zoning Board of Appeals issue a Special Permit under the Zoning By-Laws allowing certain additions and modifications, including interior renovations, to the pre-existing nonconforming single-family dwelling which has less than the required Side Yard Set Back and which exceeds the maximum allowed Height located on a conforming Lot on the property located at **8 AND 10 FOSTER STREET** in both an **EXPANDED SINGLE RESIDENCE DISTRICT** and a **SHORELINE EXPANDED SINGLE RESIDENCE DISTRICT**. The construction will be partially within the Side Yard Set Back and will in part exceed the maximum allowed Height (but no higher than the existing structure). The Gross Floor Area increase is less than ten (10%) percent and the resulting Open Space Ratio will be 3.1 : 1.0.

**DETAILS OF REQUESTS**

The proposal is to substantially renovate the interior of the existing single-family dwelling and to further:

- Excavate a portion of the existing basement and create a gym and mechanical area
- Enclose certain roofed porches one of which is conforming and one of which is in the Side Line Set Back
- Add a second floor addition which will exceed the maximum allowed Height but which is within the existing roof and ridge heights
- Add small decorative dormers with windows portions of which exceed the maximum allowed Height but which are within the existing roof lines
- Add a conforming cantilevered porch addition
- Add two proposed entry roofed porches, one of which will be in the Side Line Set Back
- Add a first floor addition in the Side Line Set Back
- Various other modifications and changes as detailed on the Architectural Plans submitted with the Application

While the property is for title purposes two separate Lots, by a prior Decision of the Board it was determined that the Lots had been merged for zoning purposes and that it now constitutes one conforming Lot.

The increase in Gross Square Footage is 498 Square Feet with a resulting change in the GFA of 4.4% and the Open space Ratio is being changed from 3.2 : 1.0 to 3.1 : 1.0

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

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Yes X No \_\_\_\_\_ (explain)

No X Yes \_\_\_\_\_ (explain)

☐ **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(2) 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**

☐ **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(2) and Table 2)  
☐ **Parking** – Less than required; undersized; tandem (§200-17 to §200-21) (circle all that apply)  
☐ **Exceeds 10% Expansion Limits for Nonconforming Building** (§200-30.D)  
☐ **Other Non-conformities** (explain) \_\_\_\_\_  
☐ **No Existing Dimensional Non-Conformities**

|                              |              |             |
|------------------------------|--------------|-------------|
| Conservation Commission      | Yes <u>X</u> | No _____    |
| Historic District Commission | Yes _____    | No <u>X</u> |
| Planning Board               | Yes _____    | No <u>X</u> |

Yes X No      (explain)

Date 1-27-2021

**ZBA-APPLICATION**

Page 3 of 3

Revision Date: 12-02-2020

Project Address 8 and 10 Foster Street, Marblehead, MA 01945 Map(s)/Parcel(s) 907 / 5D and 5E**NET OPEN AREA (NOA)**

|   | <b><u>EXISTING</u></b> | <b><u>PROPOSED</u></b> |
|---|------------------------|------------------------|
| Lot area = A  | <u>41,500</u>          | <u>41,500</u>          |
| Area of features  |                        |                        |
| footprint of accessory building(s)                              | <u>85</u>              | <u>85</u>              |
| footprint of building   | <u>4,582</u>           | <u>4,582</u>           |
| footprint of deck(s), porch(es), step(s), bulkhead(s)           | <u>258</u>             | <u>351</u>             |
| number of required parking spaces <u>2</u> x (9'x18' per space) | <u>324</u>             | <u>324</u>             |
| area of pond(s), or tidal area(s) below MHW                     | <u>N/A</u>             | <u>N/A</u>             |
| other areas (explain) _____                                     | <u>N/A</u>             | <u>N/A</u>             |
| Sum of features = B   | <u>5,249</u>           | <u>5,342</u>           |
| Net Open Area (NOA) = (A - B)                                   | <u>36,251</u>          | <u>36,158</u>          |

**GROSS FLOOR AREA (GFA)**

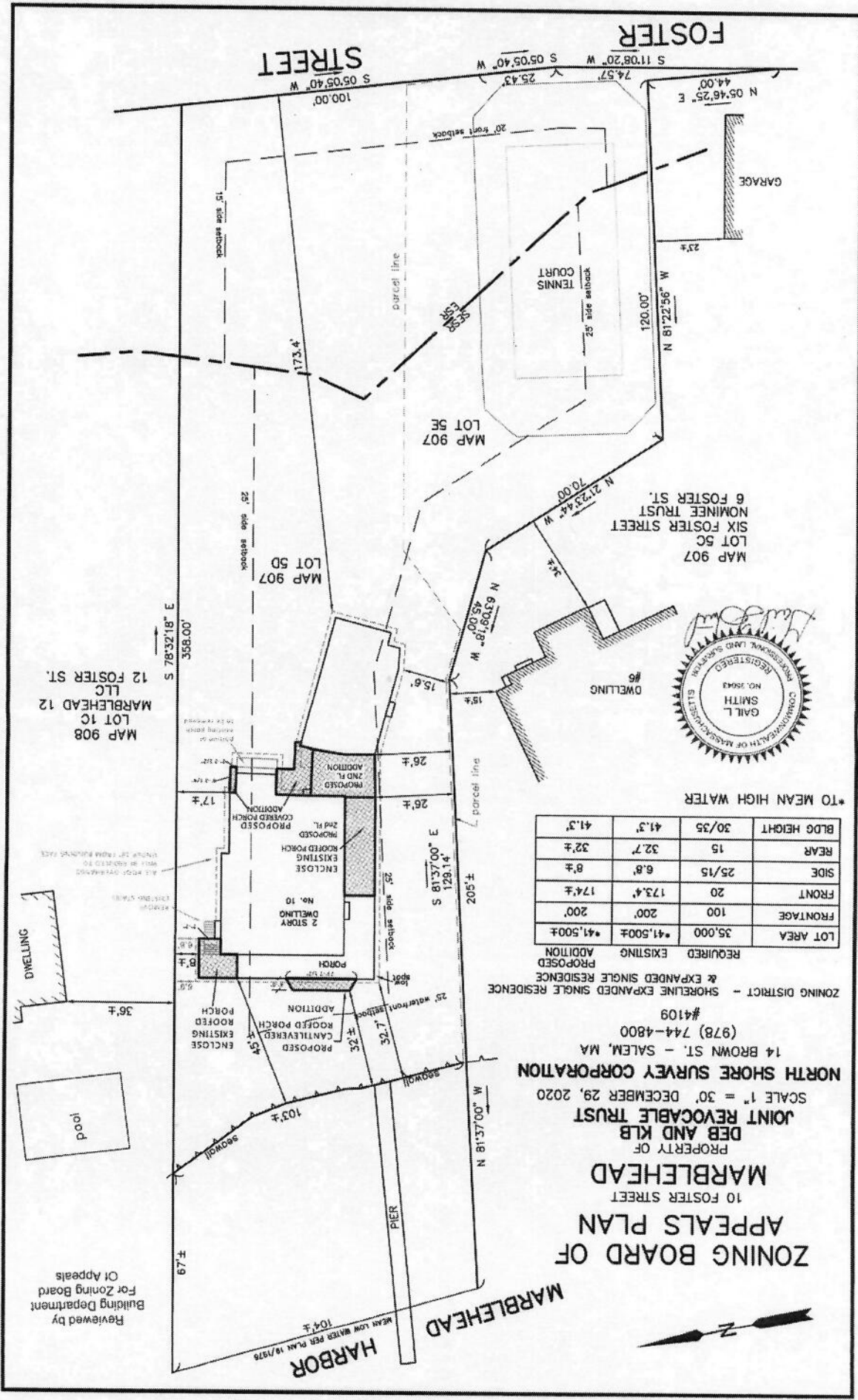
|   |               |               |
|---|---------------|---------------|
| accessory structure(s)  | <u>85</u>     | <u>85</u>     |
| basement or cellar (area >5' in height)                       | <u>2,283</u>  | <u>2,671</u>  |
| 1st floor (12' or less in height) NOTE:[for heights exceeding | <u>3,594</u>  | <u>3,985</u>  |
| 2nd floor (12' or less in height) 12' see definition          | <u>2,729</u>  | <u>3,006</u>  |
| 3rd floor (12' or less in height) of STORY §200-7]            | <u>N/A</u>    | <u>N/A</u>    |
| 4th floor (12' or less in height)                             | <u>N/A</u>    | <u>N/A</u>    |
| attic (area >5' in height)                                    | <u>N/A</u>    | <u>N/A</u>    |
| area under deck (if >5' in height)                            | <u>470</u>    | <u>470</u>    |
| roofed porch(es)  | <u>2,089</u>  | <u>1,531</u>  |
| Gross Floor Area (GFA) = sum of the above areas               | <u>11,250</u> | <u>11,748</u> |

**Proposed total change in GFA** = (proposed GFA - existing GFA) = 498**Percent change in GFA** = (proposed total change in GFA ÷ existing GFA) x 100 = 4.4 %**Existing Open Area Ratio** = (existing NOA ÷ existing GFA) = 3.2**Proposed Open Area Ratio** = (proposed NOA ÷ proposed GFA) = 3.1

This worksheet applies 1. plan by/dated North Shore Survey dated December 29, 2020  
to the following plan(s): 2. plan by/dated SaltsmanBrenznel dated January 19, 2021

3. plan by/dated \_\_\_\_\_  
Building Official [Signature] Date 1-27-2021





Reviewed by  
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For Zoning Board  
Of Appeals

# 10 Foster Street

Single-Family Residence

## Project Description

The project scope includes an addition and renovation to the First and Second Floors, as well as an addition to the Basement. Windows and Doors will be relocated and new for the First and Second Floors and existing to remain for the Basement, except for the addition, where they will be new. Exterior work will include replacing the existing brick siding with wood shingles and reconstructing the deck.

## Project Team

### ARCHITECT

Salisman Brenzel Design & Construction  
933 Albany Street, Third Floor  
Boston, MA 02118

### COUNCIL

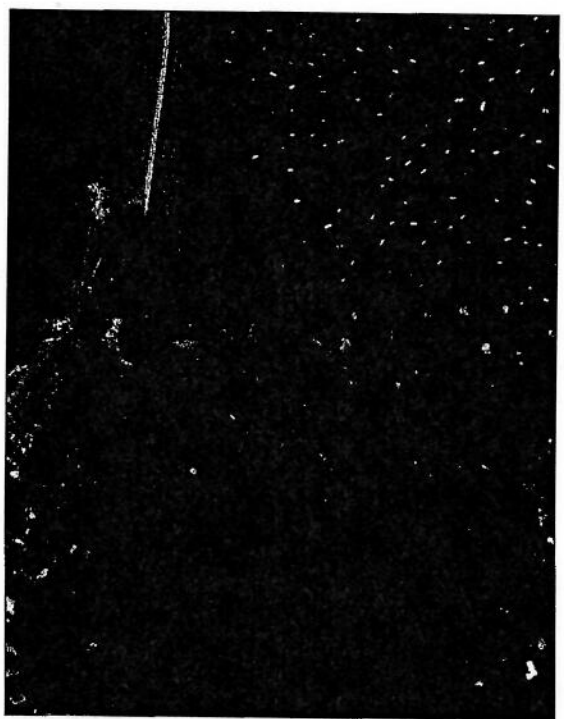
McCann & McCann P.C.  
89 Newbury Street Suite 302  
Dartmouth, MA 01923

### SUPERVISOR AND CIVIL ENGINEER

Gail Smith  
North Shore Survey  
14 Brown Street  
Salem, MA 01970

## Drawing Index

| Go   | Cover                      |
|------|----------------------------|
| X1.0 | Existing Basement Plan     |
| A1.0 | Proposed Basement Plan     |
| X1.1 | Existing First Floor Plan  |
| A1.1 | Proposed First Floor Plan  |
| X1.2 | Existing Second Floor Plan |
| A1.2 | Proposed Second Floor Plan |
| X1.3 | Existing Roof Plan         |
| A1.3 | Proposed Roof Plan         |
| A2.1 | Exterior Elevation         |
| A2.2 | Exterior Elevation         |
| A2.3 | Exterior Elevation         |
| A2.4 | Exterior Elevation         |
| A2.5 | Exterior Elevation         |
| A2.6 | Exterior Elevation         |



SB

SalismanBrenzel

933 Albany Street,  
Boston, MA 02118  
salismanbrenzel.com

10 Foster St  
Marblehead, MA

| Issue Set | Date       |
|-----------|------------|
| ZSA       | 01/19/2021 |

|        |
|--------|
| Title: |
| COVER  |

G0.0

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SaltsmanBrenzell

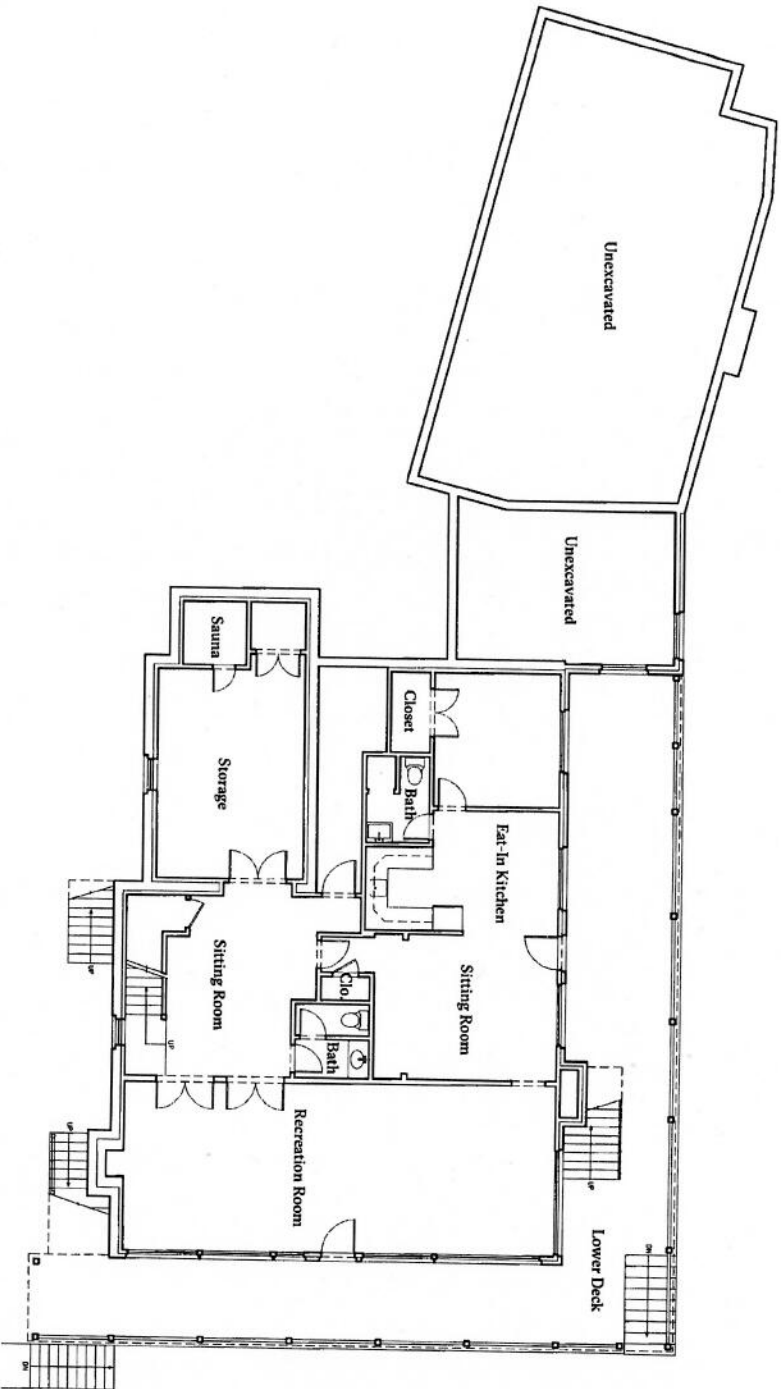
235 Wharf Street,  
Boston, MA 02118  
saltsmanbrenzell.com

10 Foster St  
Marblehead, MA

Issue Set Date  
ZBA 01.19.2021

Title  
EXISTING  
BASEMENT PLAN

X1.0



1 Existing Plan  
Scale: 3/32" = 1'-0"

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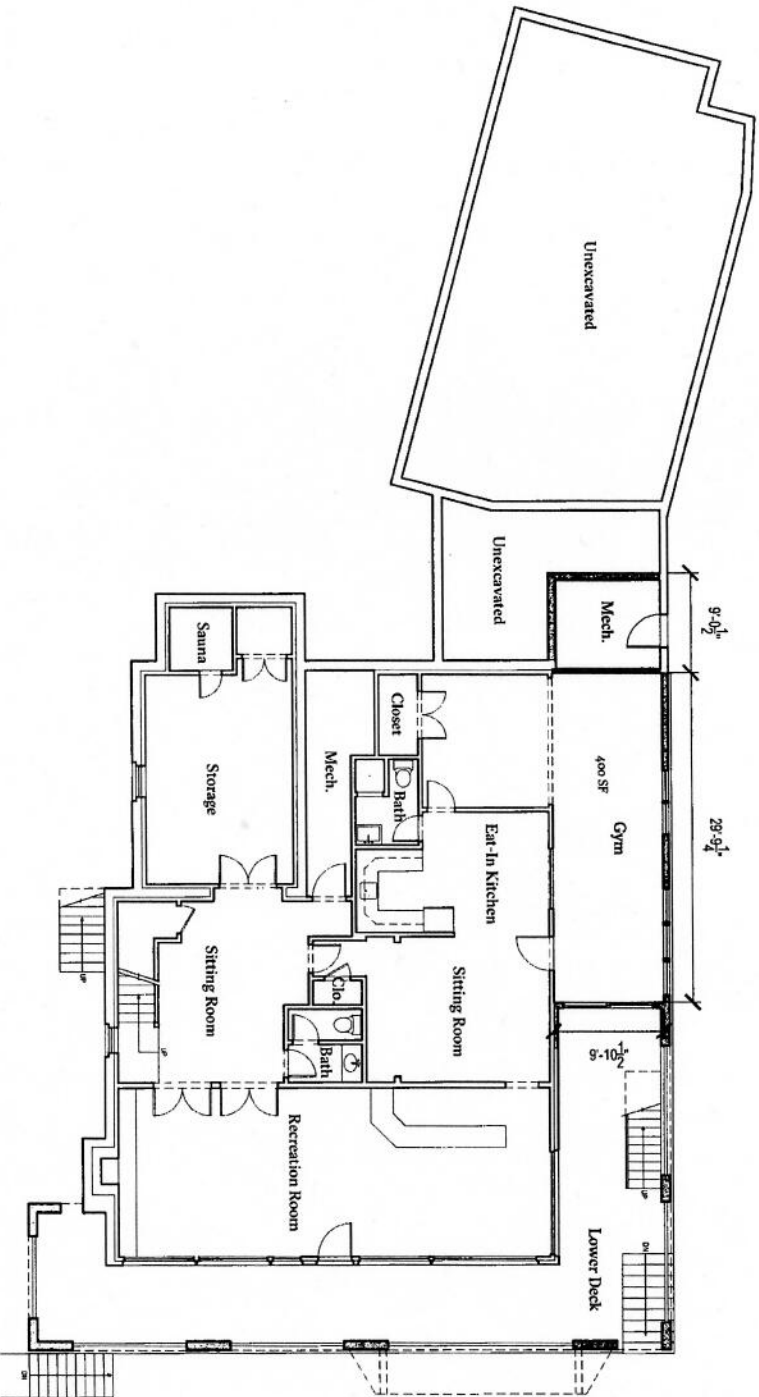
235 Albany Street,  
Boston, MA 02118  
saltsmanbrenzel.com

10 Foster St  
Marblehead, MA

| Issue Set | Date       |
|-----------|------------|
| ZBA       | 01/19/2021 |

Title:  
**PROPOSED  
BASEMENT PLAN**

A1.0



**Proposed Plan**  
**1**  
Scale: 3/32" = 1' - 0"



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**SB**

**SalsmanBrenzel**

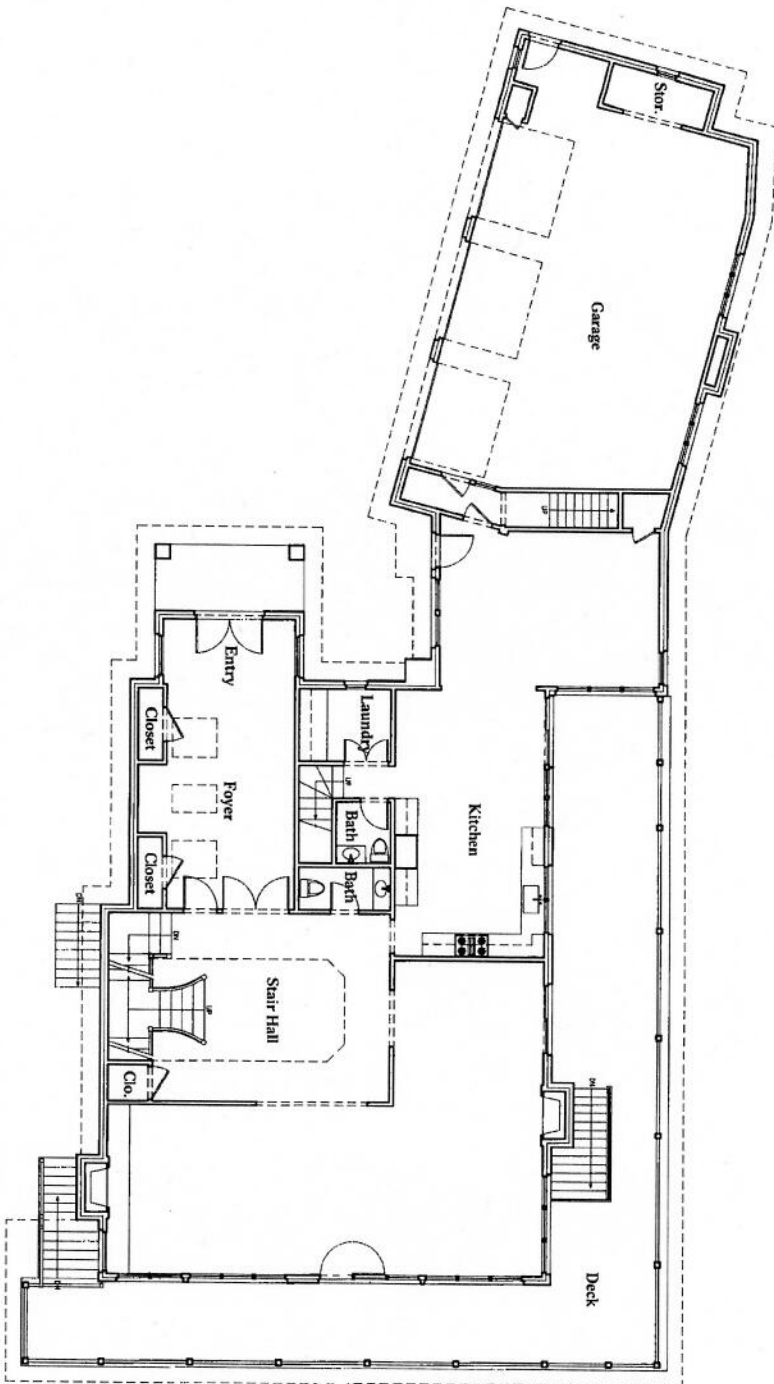
235 Albany Street,  
Boston, MA 02118  
salsmanbrenzel.com

**10 Foster St**  
Marblehead, MA

Issue Set Date  
ZBA 01.18.2021

TITLE  
**EXISTING FIRST  
FLOOR PLAN**

**X1.1**



**1 Existing Plan**  
Scale: 3/32" = 1'-0"



235 Albany Street,  
Boston, MA 02118  
salsman@enr.com

| Issue Set | Date       |
|-----------|------------|
| ZBA       | 01.19.2021 |

# A1.1



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**SalzmanBrenz**

333 Albany Street  
Boston, MA 02118  
salzmanb-cnvz.com

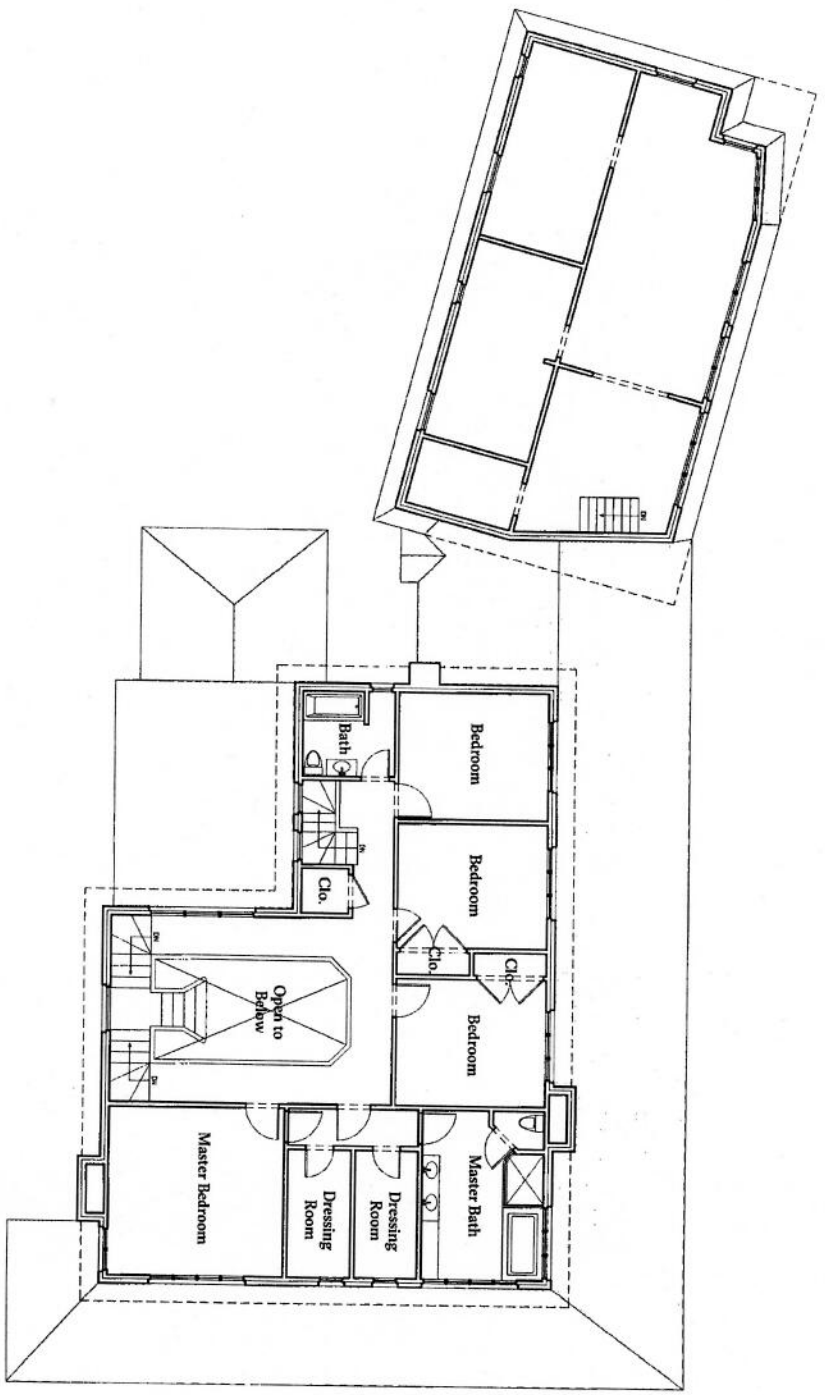
10 Foster St  
Marblehead, MA

| Issue Set | Date       |
|-----------|------------|
| ZSA       | 01.19.2021 |

Title:  
**EXISTING  
SECOND  
FLOOR PLAN**

**X1.2**

**1** Existing Plan  
Scale: 3/32" = 1'-0"



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**SB**

**SaltsmanBrenznel**

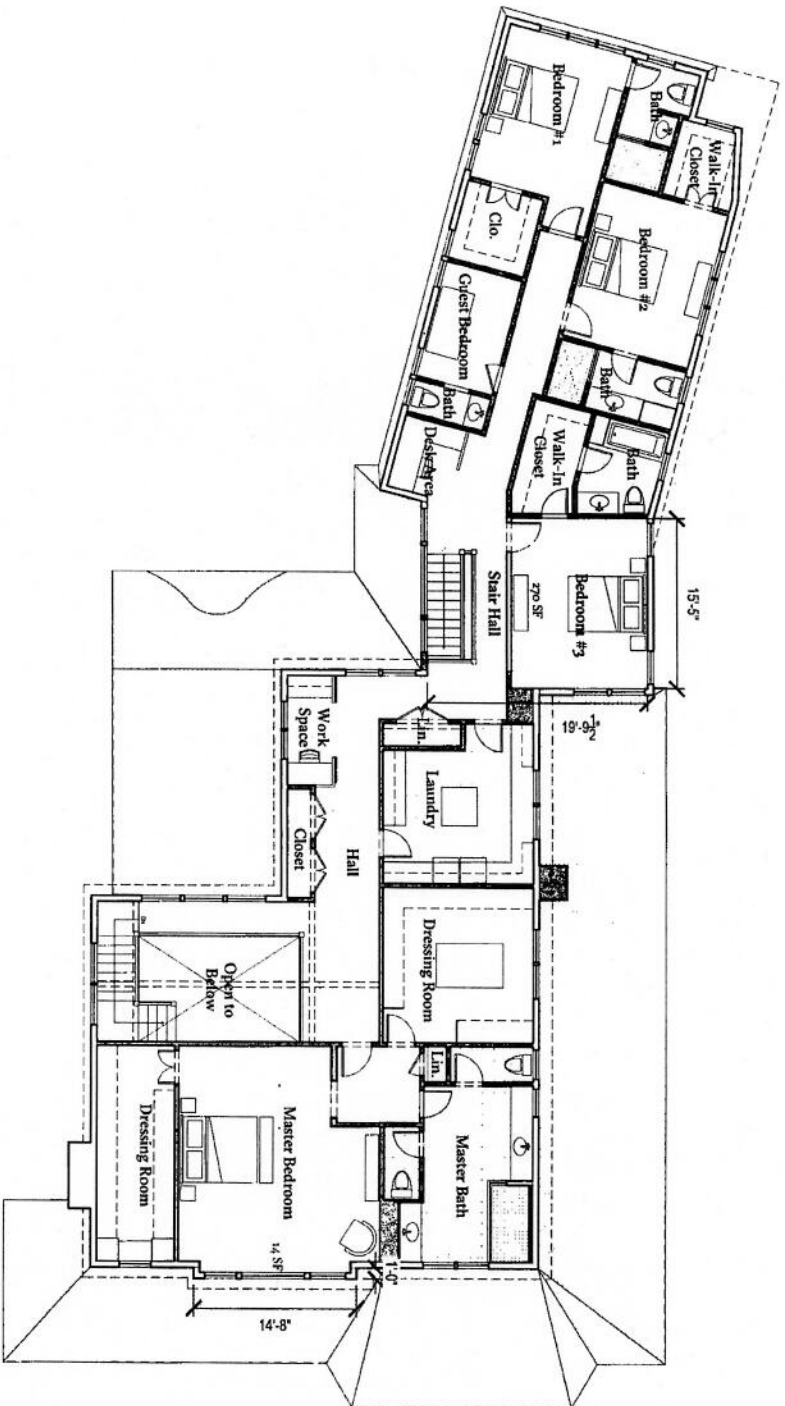
235 Albany Street  
Boston MA 02118  
saltsmanbrenznel.com

10 Foster St  
Marblehead, MA

Issue Set Date  
ZBA 01.19.2021

Title  
**PROPOSED  
SECOND  
FLOOR PLAN**

**A1.2**



**1 Proposed Plan**  
Scale: 3/32" = 1' - 0"

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**SB**

**SalzmanBrenzel**

355 Albany Street  
Boston, MA 02118  
salzmanbrenzel.com

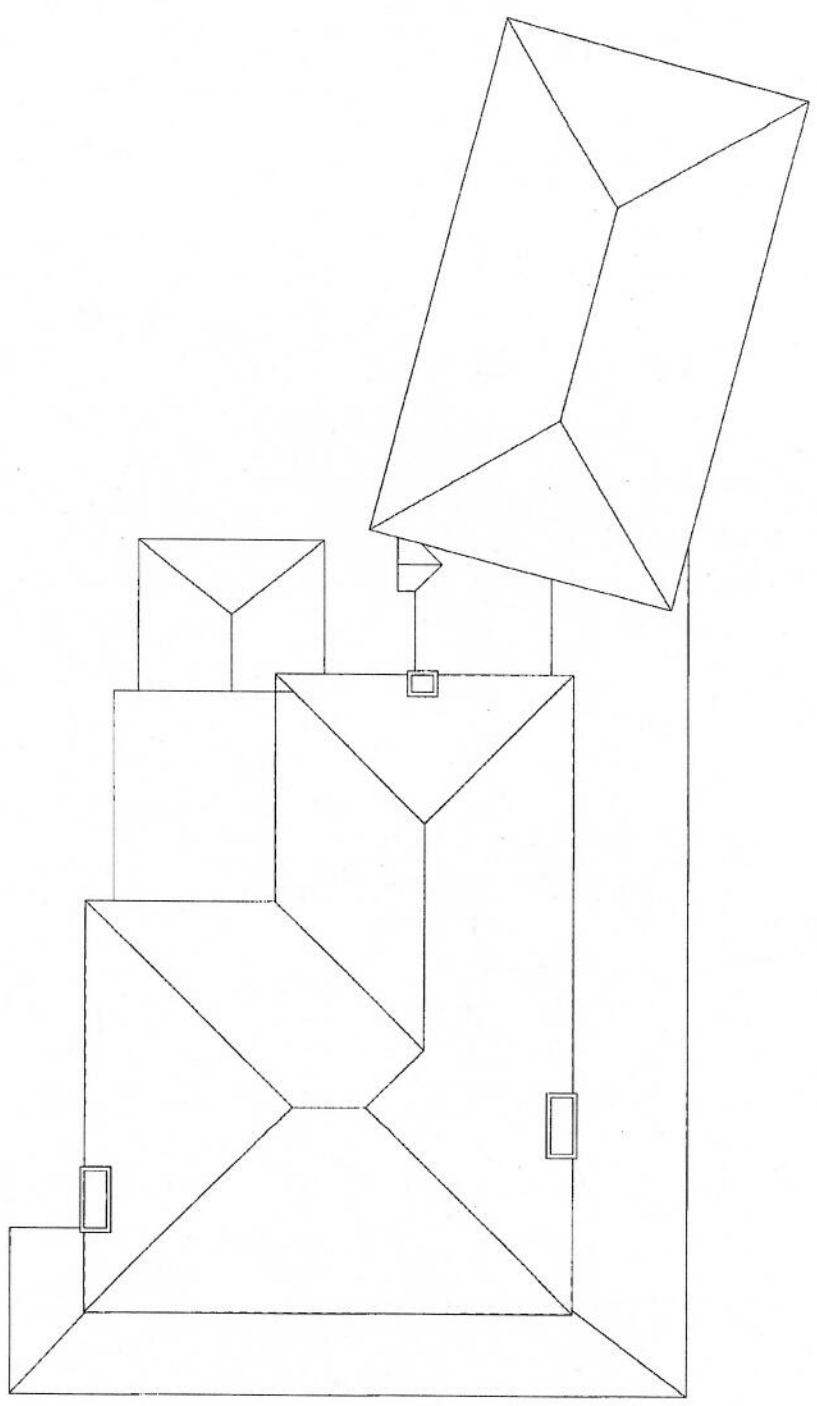
**10 Foster St**  
Marblehead, MA

| Issue Set | Date       |
|-----------|------------|
| ZBA       | 01.19.2021 |

Title:  
**EXISTING  
ROOF PLAN**

**X1.3**

**1 Existing Plan**  
Scale 3/32" = 1' - 0"





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SB

SaltsmanBrenzell

255 Albany Street  
Boston, MA 02118  
saltsmanb-civic.com

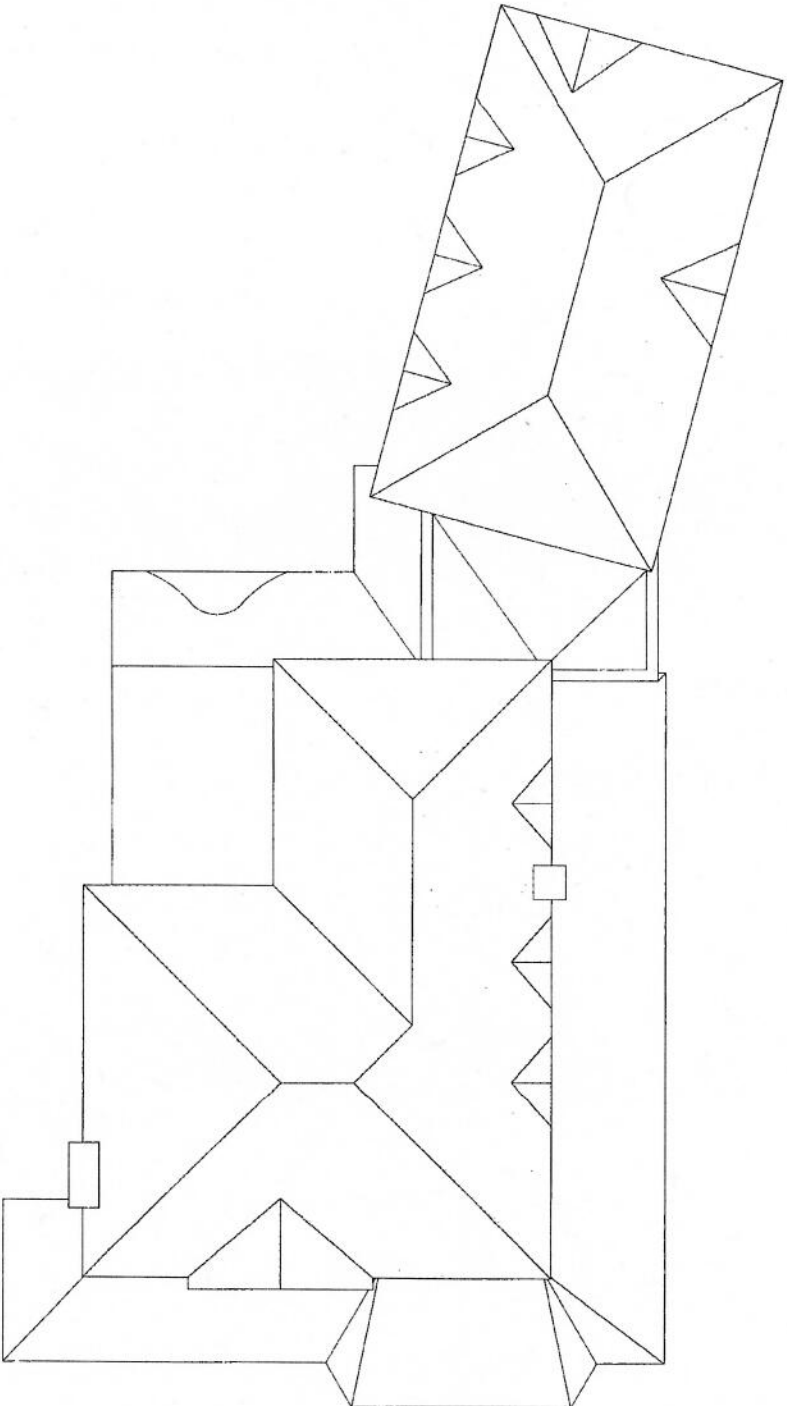
10 Foster St  
Marblehead, MA

| Issue Set | Date       |
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| ZBA       | 01.19.2021 |

Title:

PROPOSED  
ROOF PLAN

1 Proposed Plan  
Scale 3/32" = 1' - 0"

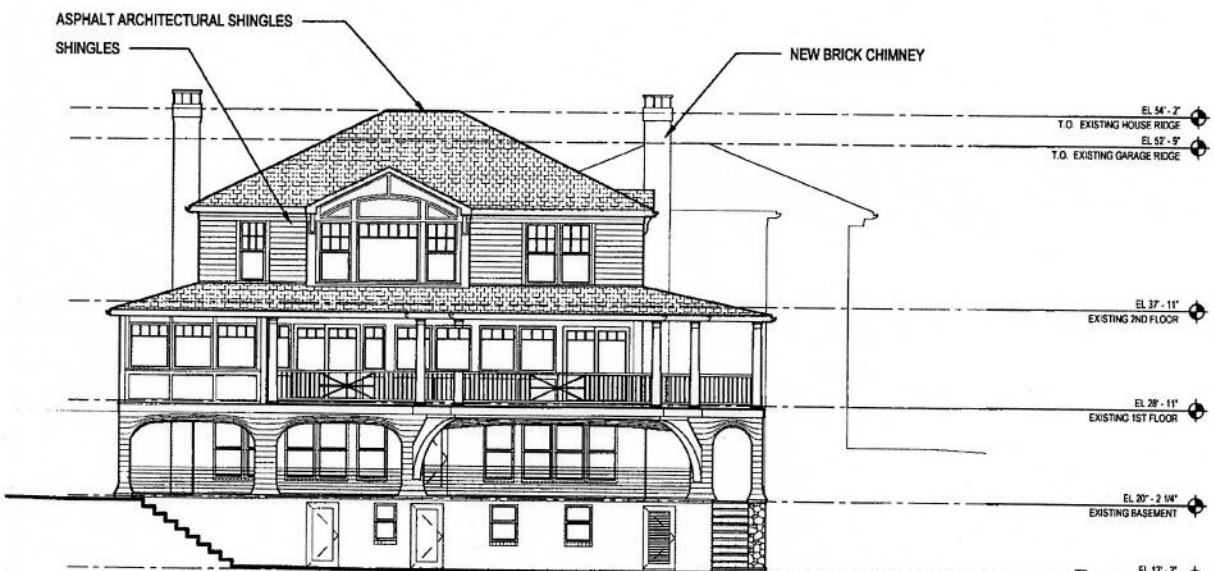


A1.3



1 Existing Exterior Elevation

Scale:  $\frac{3}{32}" = 1' - 0"$



2 Proposed Exterior Elevation

Scale:  $\frac{3}{32}" = 1' - 0"$

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|      |            |        |           |      |                                |   |                 |    |
|------|------------|--------|-----------|------|--------------------------------|---|-----------------|----|
| A2.1 | ELEVATIONS | Title: | Issue Set | Date | 20 Foster St<br>Marblehead, MA | 335 Albany Street,<br>Boston, MA 02118<br>saltsmanbrenzel.com | SaltsmanBrenzel | SB |
|      |            |        |           |      |                                |   |                 |    |



**1 Existing Exterior Elevation**  
 Scale:  $\frac{1}{8}" = 1' - 0"$



**2 Proposed Exterior Elevation**  
 Scale:  $\frac{1}{8}" = 1' - 0"$

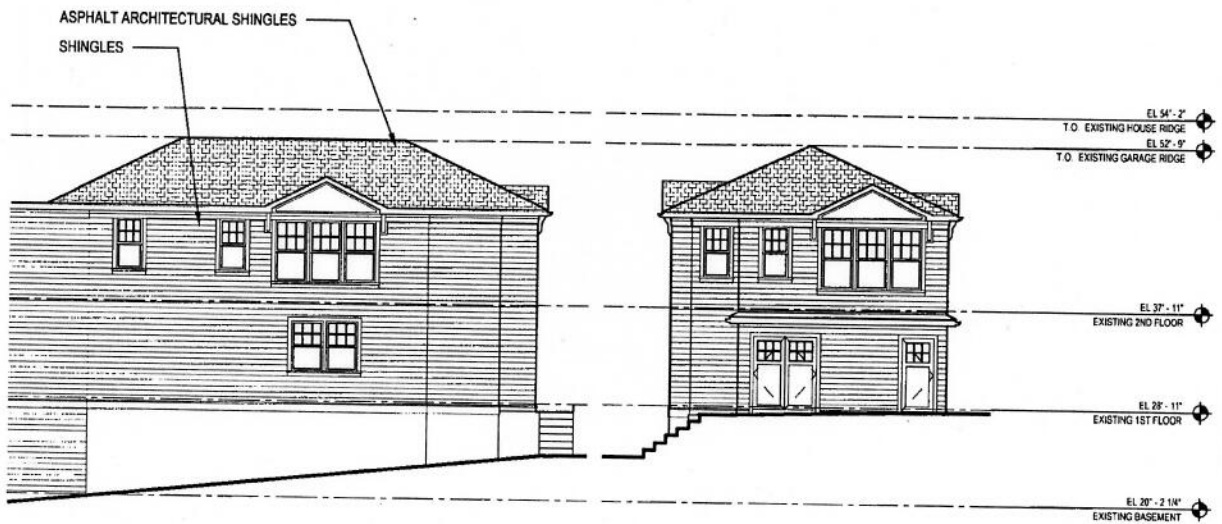
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 for Zoning Board  
 of Appeals

|             |            |   |                                |  |  |                |           |
|-------------|------------|---|--------------------------------|--|--|----------------|-----------|
| <b>A2.2</b> | ELEVATIONS | Title:<br>Issue Set:<br>ZBA<br>Date: 01.19.2021 | 10 Foster St<br>Marshfield, MA |  | 223 Wilbur Street<br>Boston, MA 02118<br>sales@architectural.com | SalsmanBrenzel | <b>SB</b> |
|-------------|------------|---|--------------------------------|--|--|----------------|-----------|



**1 Existing Exterior Elevation**  
Scale:  $\frac{1}{8}" = 1' - 0"$

**3 Existing Exterior Elevation**  
Scale:  $\frac{1}{8}" = 1' - 0"$

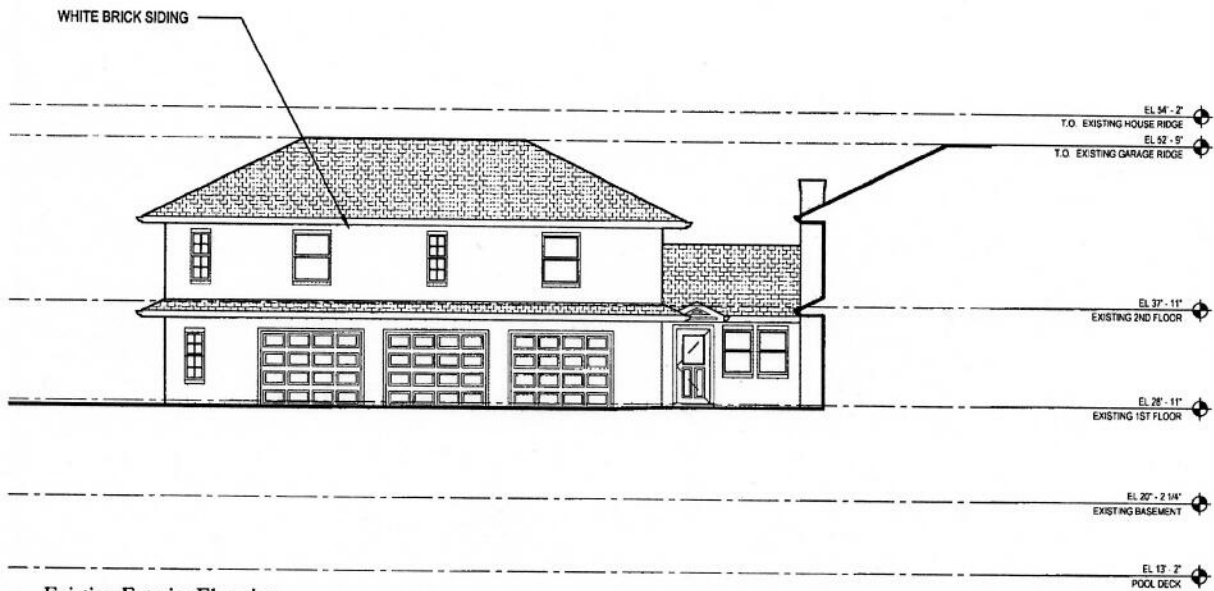


**2 Proposed Exterior Elevation**  
Scale:  $\frac{1}{8}" = 1' - 0"$

**4 Proposed Exterior Elevation**  
Scale:  $\frac{1}{8}" = 1' - 0"$

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|             |            |   |   |  |   |           |
|-------------|------------|---|---|--|---|-----------|
| <b>A2.3</b> | ELEVATIONS | <p>Title</p> <p>Issue Set</p> <p>Date</p> <p>01.19.2021</p> | <p>10 Foster St</p> <p>Marblehead, MA</p> |  | <p>SalzmanBrenzel</p> <p>225 Wham Street</p> <p>Boston, MA 02118</p> <p>info@salzmanbrenzel.com</p> | <b>SB</b> |
|-------------|------------|---|---|--|---|-----------|



**1 Existing Exterior Elevation**

Scale:  $\frac{3}{32}" = 1' - 0"$



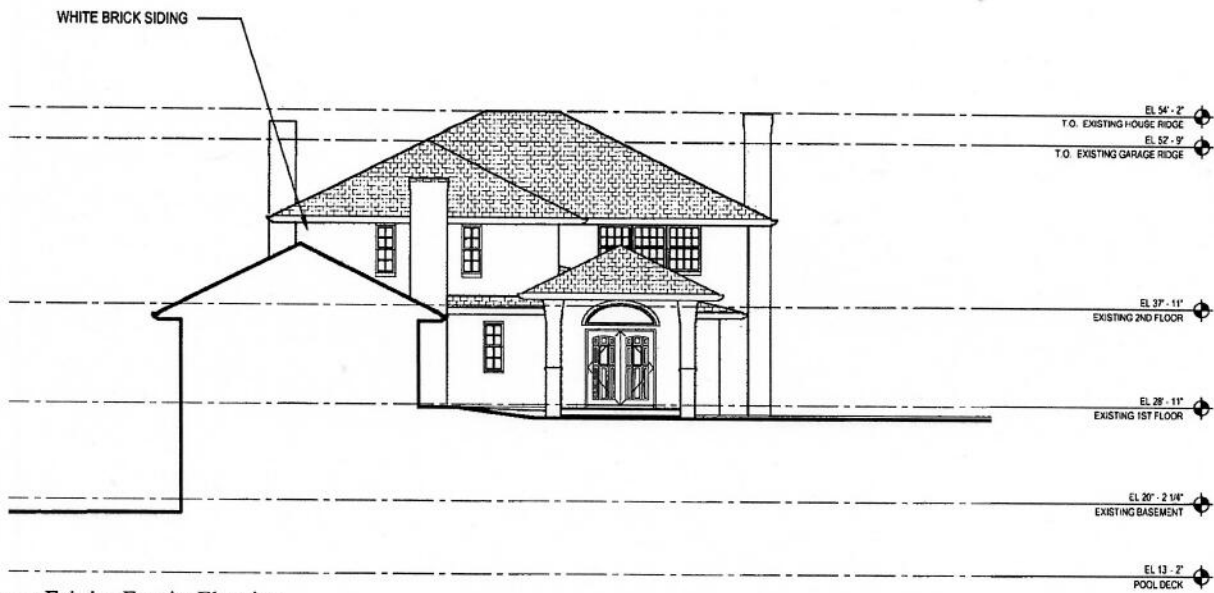
**2 Proposed Exterior Elevation**

Scale:  $\frac{3}{32}" = 1' - 0"$

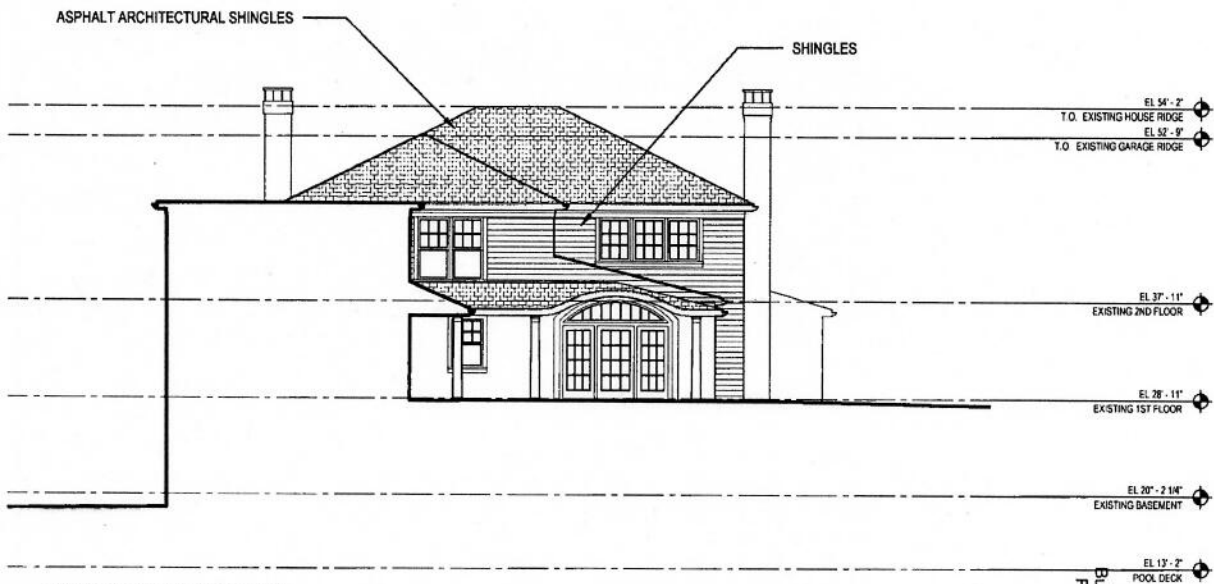
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|-------------|-------------------|-------|--------------------------------|-----------|-----|------|------------|---|---|
| <b>A2.4</b> | <b>ELEVATIONS</b> | Title | 10 Foster St<br>Marblehead, MA | Issue Set | ZBA | Date | 01.19.2021 | <b>SalismanBrenzel</b><br>535 Albany Street,<br>Boston, MA 02118<br>salismanbrenzel.com | <b>SB</b><br>Reviewed by<br>Building Department<br>For Zoning Board<br>Of Appeals |
|             |                   |       |                                |           |     |      |            |   |   |
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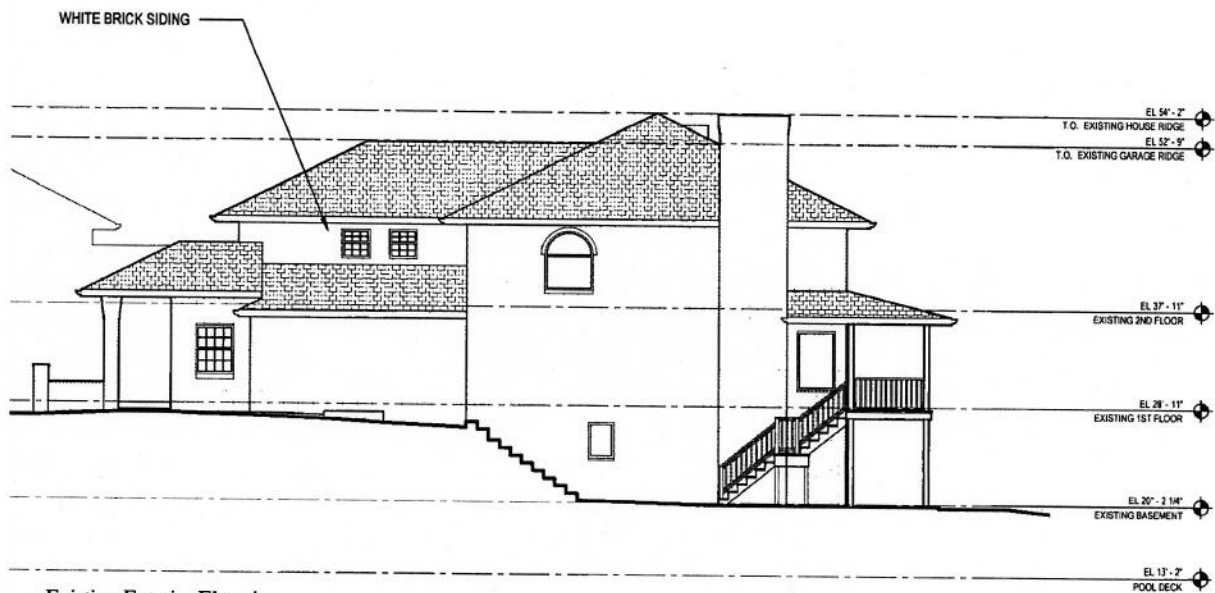
**1 Existing Exterior Elevation**  
Scale:  $\frac{3}{32}" = 1' - 0"$



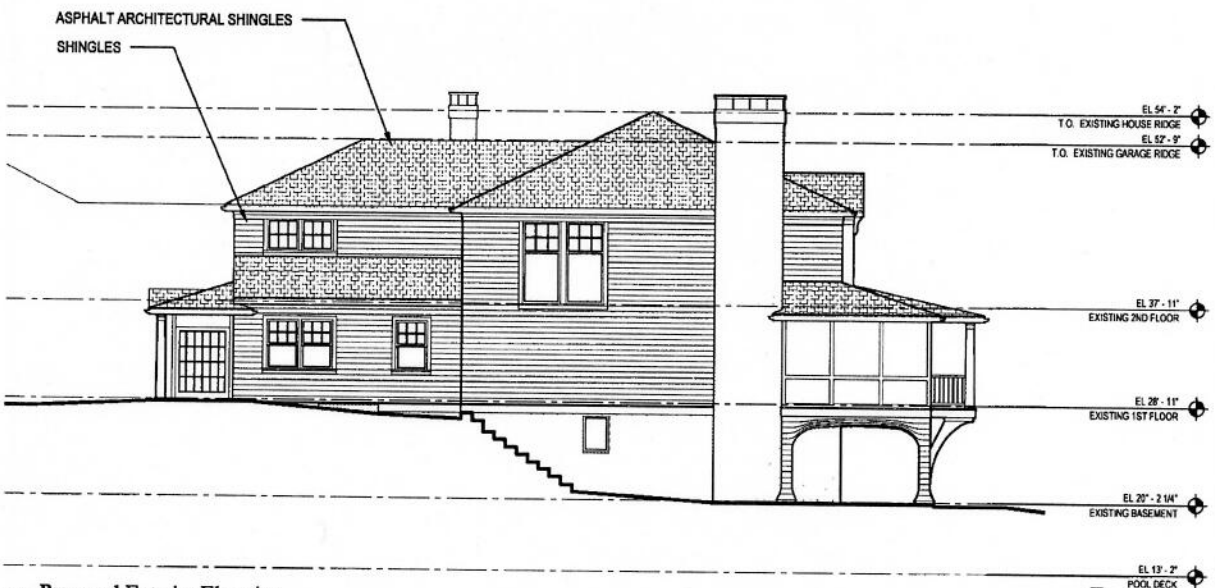
**2 Proposed Exterior Elevation**  
Scale:  $\frac{3}{32}" = 1' - 0"$

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|-------------|------------|--------|-----------|------------|--------------------------------|--|----------------|-----------|
| <b>A2.5</b> | ELEVATIONS | Title: | Issue Set | Date       | 10 Foster St<br>Marblehead, MA | 295 Albany Street,<br>Boston, MA 02118<br>salsmanbrenzel.com | SalsmanBrenzel | <b>SB</b> |
|             |            |        | ZBA       | 01.19.2021 |                                |  |                |           |
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|             |            |        |           |            |                                |  |                |           |
|             |            |        |           |            |                                |  |                |           |



**1 Existing Exterior Elevation**  
Scale:  $\frac{3}{32}" = 1' - 0"$



**2 Proposed Exterior Elevation**  
Scale:  $\frac{3}{32}" = 1' - 0"$

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Of Appeals

|             |                   |        |                                |                                |      |  |                       |           |
|-------------|-------------------|--------|--------------------------------|--------------------------------|------|--|-----------------------|-----------|
| <b>A2.6</b> | <b>ELEVATIONS</b> | Title: | 10 Foster St<br>Marblehead, MA | Issue Set<br>ZBA<br>01.19.2021 | Date | 235 Albany Street,<br>Boston, MA 02118<br>salsmanbretzel.com | <b>SalsmanBretzel</b> | <b>SB</b> |
|             |                   |        |                                |                                |      |  |                       |           |
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