

TOWN OF MARBLEHEAD
BOARD OF APPEALS
Minutes of Meeting
October 25, 2022

A regularly scheduled and noticed meeting of the Board of Appeals was held on **Tuesday, October 25, 2022**, remotely on Zoom, and was called to order by Chairman Bill Moriarty at 7:30 PM.

Present were five Board members *Moriarty, Drachman, Barlow, LaBrecque, Liebman*, as well as Becky Curran, Town Planner.

This hearing was held in accordance with the provisions of the Marblehead Zoning Bylaw, and Chapter 40A of the General Laws as amended. Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitations on the number of people that may gather in one place, this public hearing of the Marblehead Zoning Board was conducted via remote participation.

Zoom recording is available at:

https://us06web.zoom.us/rec/share/c8VLldBE-rqGL0-xoeNk0myztFoT7ciDKJR2M11I8nxQOOPiHF44Gtk_SBPoBbWo.TpiEWb8RJH3xMRkk

Passcode: zybKs8.C

Roll call was taken to ensure a quorum was present and the meeting was called to order. Barlow, Labrecque, Drachman, Liebman, Moriarty.

It was noted that the Appeal application for 8 Sean's Way would not be heard this evening and would continue (no evidence taken) to the November 22, 2022 meeting.

7:30 PM 71 Jersey Street – Caroline and John Clark

The Board of Appeals opened a public hearing on the request of **Caroline & John Clark** to vary the application of the present Zoning By-law by allowing a Special Permit to allow the construction of an addition to a single family dwelling on a preexisting non-conforming property in a Single Residence District. Attorney Paul

Lynch and architect Susan Koelle presented the application for a two story addition at the back of the property. First floor will be for a new, 275 sf dining room and the second floor will have a 324 sf office/nursery. The attic will be expanded to accommodate a guest room. The Clarks have received support for the project from their neighbors. There were no additional questions from the Board. No one spoke in favor or opposition. A motion was made to close the hearing (Barlow, Drachman). Drachman, Labrecque, Liebman, Barlow, Moriarty. All in favor. A motion was made to issue a special permit with the usual conditions. Labrecque, Drachman, Barlow, Liebman, Moriarty. **SPECIAL PERMIT WILL ISSUE.**

7:30 PM 290 Washington Street – Hanover Court LLC

The Board of Appeals opened a public hearing on the request of **Hanover Ct LLC** to vary the application of the present Zoning By-law by allowing a Special Permit to allow the construction of an addition to an existing three family dwelling on a preexisting non-conforming property in a Business Residence District.

Attorney Paul Lynch and architect Derek Bloom architect presented the application to convert a three-family dwelling to a two-family use, and construct an addition at the rear of the property. The addition meets all the dimensional requirements and will improve upon the existing dimensional conditions (existing is 3.7" on the left side; will now be 7'. On the right side, it will be 14', where 8' is allowed). The property slopes up from front to rear.

Presently, there is no parking. A bus stop is nearby. Mr. Bloom reviewed the proposed plans for the addition which included removing a small portion in the back, reconfiguring undersized rooms, reinforcing floors, keeping entry windows, facades, fenestrations, and allowing for a second means of egress out the back.

Mr. Barlow asked how four parking spaces would be accommodated for the two family use. Mr. Lynch said that there is not parking at all.

Tom Kearney at 291 Washington Street commented that the existing structure is a three bedroom home and new plans are showing six bedrooms and believes that not allowing for parking is a problem. He also commented that the structure is too big and the aesthetics of the proposal with a metal roof and vertical siding did not maintain the spirit of the town. He appreciates the investor interest for the uncared for property but was concerned that there wasn't any communication to the neighbors. Additional concerns included asbestos abatement and how construction would be managed in a crowded area.

Barbara Rose, 293 Washington Street, backed up Tom's point, emphasizing that the structure was large and garish, and that parking would be an issue.

Beverly Kramer, 294 Washington Street, opposes the plan and commented that the project is too big and not right for the neighborhood, and wished there was more neighborhood involvement.

Karen and Michael Whalen, 5-7 Rowland Street, expressed opposition. Town Planner Becky Curran read a letter of opposition with similar concerns about no parking, increased traffic, double occupancy and increased tenants, design issues, fear of condominium conversion, loss of privacy, as well as hazardous materials management, a potential absentee landlord.

Maria Torres spoke in opposition of the construction for previously mentioned reasons. A motion was made to close the hearing. (Barlow, Drachman) Labrecque, Liebman, Drachman, Barlow, Moriarty. All in favor. A discussion with board members included concerns that parking was not included as part of the application in a part of town where parking is not readily available. The additional bedrooms (more people with cars) would aggravate the situation. The structure, as rendered, is out of character for the neighborhood and would need to be revisited. The appropriateness of the use and change was considered, as well as parking, pedestrian, and traffic inconveniences. Mr. Lynch asked to withdraw the application without prejudice. A motion was made to allow the withdrawal. (Barlow, Drachman). Labrecque, Drachman, Barlow, Liebman, Moriarty. All in favor. **APPLICATION IS WITHDRAWN WITHOUT PREJUDICE.**

7:45 PM 161 Washington Street – Marblehead Museum & Historical Society

The Board of Appeals opened a public hearing on the request of **Marblehead Museum & Historical Society** to vary the application of the present Sign By-law by allowing a Special Permit to allow the construction of a 2' x 3' free standing sign at **161 Washington Street**. Jarret Zeman, Associate Director for Marblehead Museum, presented the application for a sign to be a part of the historical part of the Lafayette Trail, included in a series of signs sponsored by the William G. Pomeroy Foundation. The sign would highlight the Marquis' visit to Marblehead in 1784. The sign will be 2'x 3' cast aluminum and sit on a 4' post. The post would be 3' down into the ground. It will be on the museum property, behind the black fence in the courtyard and off to the side so the museum face won't be obstructed. The sign has been approved by the Old and Historic Districts Commission and received a Certificate of Appropriateness. No one spoke in favor or opposition of the application. A motion was made to close the hearing

(Drachman, Barlow). Labrecque, Drachman, Liebman, Barlow, Moriarty. All in favor. Mr. Barlow commented that the proximity location is appropriate and that it won't compete with the Lee Mansion. A motion was made to issue a Special Permit. Drachman, Barlow, Labrecque, Liebman, Moriarty. All in favor. **SPECIAL PERMIT WILL ISSUE.**

7:45 PM 3 Foss Terrace – Christian Arrieta Rodriguez and Carrie Arrietta – Request for six month extension – special permit granted by the Board of Appeals on November 23, 2021.

The Board considered the request for a six month extension. No one spoke in favor or opposition of the extension. A motion was made to close the hearing. (Barlow, Labrecque). Labrecque, Liebman, Drachman, Barlow, Moriarty. All in favor. A motion was made to grant the extension. Liebman, Barlow, Labrecque, Drachman, Moriarty. All in favor. **EXTENSION REQUEST GRANTED.**

8:00 PM 14 Crestwood Road – Richard and Lynne Breed

The Board of Appeals opened a public hearing on the request of **Richard & Lynne Breed** to vary the application of the present Zoning By-law by allowing a Special Permit to allow the construction of an addition within the side yard setback to a preexisting single-family dwelling on a conforming property in a Single Residence District. Architect Veronica Hobson, Taproot Design, represented the applicant and presented the proposal for a single story addition that conforms to all the zoning requirements for a home on a conforming lot. A previous proposal for an addition, approved by the Board, with an extension granted in June of 2022. These plans are a change to the addition, adding 323 square feet to the home (6.2% increase); reduction in open air from 1.97 to 1.80. The addition will be built over a crawl space. Similar to previous plans, the addition begins at the same side and extends 14' to the left, exceeding the 8' left sideyard setback requirement. Letters of support were received from three neighbors, Kennedy, Mueller, Mosmer. Ms. Hobson will submit letters to the Engineering Department for the file. There were no further questions from the Board. A motion was made to close the hearing. (Barlow, Labrecque). Drachman, Barlow, Liebman, Labrecque, Moriarty. All in favor. A brief conversation about the necessity of the addition proposed in that location; it is due to grade drop at the rear of the property. Ms. Hobson further stated that the previous ZBA application had been unanimously approved. A motion was made to issue a special permit with the usual conditions. Labrecque, Barlow, Drachman, Liebman Moriarty. All in favor. **SPECIAL PERMIT WILL ISSUE.**

8:00 PM 8 Sean's Way APPEAL – Frances Rafferty and Thomas Millets

The Board of Appeals opened a public hearing on the request of **Frances Rafferty & Thomas Millett** to appeal the Building Commissioner's action regarding a failure to take both requested enforcement action and a decision of the Building Commissioner on the property located at **8 Sean's Way** in the Expanded Single Residence District. The applicant requested to continue the hearing (no evidence taken) to Tuesday, November 22, 2022. The board voted to continue the hearing to November 22, 2022 at 8:15 PM Labrecque, Liebman, Drachman, Barlow, Moriarty. All in favor. **APPLICATION WILL CONTINUE TO NOVEMBER 22, 2022 (no evidence taken).**

8:15 PM 32 Flint Street – Roy and Sharon Steinman

The Board of Appeals opened a public hearing on the request of **Roy & Sharon Steinman** to vary the application of the present Zoning By-law by allowing a Special Permit to allow the construction of an addition to a preexisting single-family dwelling on a preexisting nonconforming property in an Expanded Single Residence District. Architect Jeff Tucker introduced the application and showed a site plan for the project. He reminded the Board that an application was heard in April of 2022 for two additions and was granted a special permit. Subsequently, the plans were revisited and another application came before in August the board for a pantry/laundry room at the back corner of the house. This new piece would encroach in the sideyard setback and would also include installation of two condensers. Denise Moretto (neighbor) had voiced concerns about the condensers and the Board had concerns about incremental changes to a previously approved project. The application was withdrawn without prejudice at that time. The application before the board now has the proposed addition moving to a conforming location on the other side and Ms. Moretto supports this change, as well as with the condensers and cable rails on the decks. There were no additional questions from the Board. Paul Bolno spoke in favor of the changes. No one spoke in opposition. Attorney Robert Stetson, representing Denise Moretto, thanked the Steinmans and Jeff Tucker for reaching out and making the changes. A motion was made to close the hearing. Drachman, Liebman, Labrecque, Moriarty, Barlow. All in favor. The Board voted to issue a special permit with additional conditions of a letter dated October 24, 2022 that indicated that the condensers will be moved to the rear of the dwelling, and the material changes to the deck. Labrecque, Drachman, Barlow, Liebman, Moriarty. All in favor. **SPECIAL PERMIT WILL ISSUE.**

8:15 PM 17 Homestead Road – Lindsey and Christian Teter

The Board of Appeals opened a public hearing opened on the request of **Lindsey & Christian Teter** to vary the application of the present Zoning By-law by

allowing a Special Permit to allow the construction of an addition to a preexisting single-family dwelling on a preexisting nonconforming property in a Single Residence District. Attorney Paul Lynch and architect Jeff Tucker presented the application for an extension of dormers on the front facade of the dwelling and roof overhang over the front landing. It is an increase of 60 GFA and will improve functionality and aesthetics. There were no questions from the Board. A motion was made to close the hearing (Barlow, Labrecque). Labrecque, Liebman, Drachman, Moriarty, Barlow. All in favor. The Board voted to issue a special permit with the usual conditions. Drachman, Barlow, Labrecque, Liebman, Moriarty. All in favor. **SPECIAL PERMIT WILL ISSUE.**

8:30 PM 49 Bennett Road – Paul and Susan Koelle – Administrative hearing – deck modification

Attorney Paul Lynch represented Paul and Susan for the administrative request. The Koelles were granted a special permit in December 2021 for an addition and the request before the Board was for an extension to a deck to allow for more ground to traverse down the stairs. The original plans for the deck had the deck ending too close to the doorway. Mr. Barlow asked if it was an encroachment in the setback. Mr. Lynch said that the extension would not be in the setback. Mr. Drachman stated that he did not think it was a material change and Mr. Moriarty, Mr. Labrecque, and Mr. Liebman agreed. The Board voted to approve the requested relief for the deck extension. Labrecque, Liebman, Drachman, Barlow, Moriarty. **ADMINISTRATIVE REQUEST GRANTED.**

Becky Curran introduced a topic to the Board about a potential standard condition regarding ZBA decision language that considers having property owners remove encumbrances from adjacent public property or other town property. Mr. Drachman asked if other towns have such a condition. Becky Curran will draft a memo that will include information. Mr. Moriarty welcomed Mark Liebman as an alternate Board member and thanked him for being in attendance and accepting services.

The meeting adjourned at 8:57 PM.

Respectfully submitted
Senior Clerk, Engineering