

**Town of Marblehead  
Zoning Board of Appeals  
Minutes of Meeting  
Tuesday April 24, 2018**

A regularly scheduled and noticed meeting of the Board of Appeals was called to order by Christopher Casey at or after 7:30 p.m., in the Selectmen's Room in Abbot Hall, 188 Washington Street, Marblehead, Massachusetts. Present were Board members Barlow, Casey (Acting Chair), LaBrecque, and Drachman

**16 Manataug Trail – continued to May 22, 2018**

At the written request of the applicant, a motion was made and seconded to continue the hearing with no evidence taken to May 22, 2018. All in favor 4-0.

**7 Redstone Lane – continued to May 22, 2018**

At the written request of the applicant, a motion was made and seconded to continue the hearing with no evidence taken to May 22, 2018. All in favor 4-0.

**8/10 Foster Street – continued to June 26, 2018**

At the written request of the applicant, a motion was made and seconded to continue the hearing with no evidence taken to June 26, 2018. All in favor 4-0.

**7:45 P.M. 9 Edgemere Road, Lindsay Almeida and Adham Cohn**

The Board of Appeals opened a public hearing on the request of Lindsay Almeida & Adham Cohn to vary the application of the present Zoning By-law by allowing a Special Permit to construct additions and modifications to an existing single family structure on the property located at 9 Edgemere Road in a Shoreline Single Residence District. The new construction is within the required front yard setbacks and exceeds the 10% expansion limits for a non-conforming building on a pre-existing non-conforming property with less than the required front yard setbacks and exceeds that maximum allowable height. The application was presented by Bob McCann, attorney and Jeff Tucker, architect. The application has been reviewed by the Conservation Commission and an Order of Conditions issued to perform the work. Mr. Tucker explained the restrictions of the build area, noting that there is 25' no disturb in a buffer zone, and that the plan is not expanding the footprint in the setback, with the exception of one stair. The lot is actually two lots with 215' of frontage, where 100' is required. The addition being proposed includes a terrace on the front of house and a second floor over existing first floor. The proposed addition is on the south side of house and conforms to dimensional and maximum height requirement of 30'. The total gross increase is 469 s.f. They are seeking relief for the front yard which is more than 10%.

Mr. Casey inquired about the new addition. Mr. Tucker stated that basement is a crawl space; the first floor pergola and deck is 372 s.f and the second floor building over the existing first floor is 80 s.f. Bob McCann said that the Almeida/Cohn's held an open house and invited neighbors in to review plans. One neighbor was present at the meeting and a letter of support from Bob Livingston was submitted.

Kay Eisenhower, 19 Edgemere Road, spoke in favor of the project. Initially worried about views, she said that the addition goes up the street and the views are protected; commenting that the Almeida's kept addition small and manageable.

Charles Swimm, 7 Edgemere Road, spoke in opposition, stating that the addition was aggressive because gross floor area increase is 17% which is 70% more than what is allowed by zoning. He continued that the deck area is doubled and requested toning it down. He referenced cases in the past where people built in violation of ZBA – Bubier Road homes, for example. He complimented the design but thought that it was overreaching on zoning law appeal.

Mr. McCann responded that the house is not a big house and the total addition is only 454 s.f., and that the architect and owners have tried to minimize neighborhood impact while meeting the needs of their family. A motion was made and seconded to close the public hearing. All in favor 4-0. A motion was made and seconded to approve with usual conditions. All in favor 4-0. Barlow to write.

#### **8:00 P.M. 61 Ware Lane, David Krathwohl**

A public hearing was opened on the request of David Krathwohl to vary the application of the present Zoning By-law by allowing a Special Permit to construct a detached garage as an accessory to an existing single family structure on the property located at 61 Ware Lane in a Single Residence District. The new construction is within the required side and rear yard setbacks on a pre-existing non-conforming property with less than the required rear and side yard setbacks.

Kevin Gibbons, Gibbons and Sons Home Improvement, presented the application. This property is near Hobbs' playground and shares a wall with back of the garage. Mr. Gibbons referenced a letter from Rich Baldacci, Building Commissioner, supporting the demolition and construction project with minor changes, but first requiring ZBA special permit approval. The main request is to maintain close proximity of property line - 3 feet – as opposed to 4 feet onto town property. The size of the new structure is 200 s.f. larger, a 24' x 24' footprint; current structure has an 18' x 20' footprint. Mr. LaBrecque inquired about foundations. Mr. Gibbons stated that there is an existing foundation that will be removed. He continued that there is no curb cut and no driveway; the structure will mainly serve as a garden shed and storage for kayaks. The Chairman asked if there was anyone in the assembly to speak in opposition or in favor. No one to speak in favor or opposition of the project. A motion was made and seconded to close the public hearing. All in favor 4-0. A motion was made and seconded to approve with usual conditions. All in favor 4-0. LaBrecque to write.

#### **8:00 P.M. 57 Pickwick Road, Doug Dubin and Dawn Price**

A public hearing was opened on the request of Doug Dubin and Dawn Price to vary the application of the present Zoning By-law by allowing a Special Permit to remove a garage and construct an addition to an existing single family structure on the property located at 57 Pickwick Road in a Single Residence District. The new construction is within the

required rear yard setback, reduces the open area to less than required, and exceeds the 10% limit for expansion on a pre-existing non-conforming property with less than the required lot area, front and side yard setbacks. The application was presented by Doug Dubin, representing his sister, Dawn Price, and Veronica Hobson, architect.

Mr. Dubin explained that they are constructing an addition for his mother to move in with her sister; the sister has lived at the location for 23 years. They are seeking a permit for a single story addition that exceeds the front setback by 9'. The plan involves the removal of the existing garage and step down family room. The home is built on a slab. The addition will have a sitting room, full bed and bath, and a little porch. Existing access to back yard will be reconfigured.

Ms. Hobson stated that the project pushes the open area ratio by covering more lot area, to over the 1-1 ratio. The property is on a cul-de-sac and there are not issues with vehicles, sightline. The circular roadway allows for easy access, etc., and two parking spaces are preserved. Dawn spoke with neighbors and signatures of support were submitted. A fence will be replaced and the gate to the rail trail will be relocated for convenient neighborhood access. The Chairman asked if there was anyone in the assembly to speak in opposition or in favor. No one to speak in favor or opposition of the project. A motion was made and seconded to close the public hearing. All in favor 4-0. A motion was made and seconded to approve with usual conditions. All in favor 4-0. Drachman to write.

#### **8:15 P.M. 27 Pleasant Street, Nelson and Elizabeth Russell**

A public hearing was opened on the request of Nelson and Elizabeth Russell to vary the application of the present Zoning By-law by allowing a Special Permit to construct a garage addition to an existing single family structure on the property located at 27 Pleasant Street in a Central Residence District. The new construction reduces the open area to less than required and exceeds the 10% expansion limits on a pre-existing non-conforming property that exceeds the maximum allowable height. The application was presented by Bruce Greenwald, architect. The proposed three-bay garage exceeds the height requirement because it drops down into the driveway at the back of the property. Attaching the garage to the house exceeds the 10%, and the 1-1 open space requirement cannot be maintained. The property has gone the OHDC (4 rounds). The project has been vetted completely and they have made it smaller, simpler by creating a barnlike structure. The second floor of the garage will be a storage and accessory work space, no kitchen. A small powder room may be included. Letters of support for the project were submitted. The Chairman asked if there was anyone in the assembly to speak in opposition or in favor. No one to speak in favor or opposition of the project. A motion was made and seconded to close the public hearing. All in favor 4-0. A motion was made and seconded to approve with usual conditions. All in favor 4-0. Casey to write.

A motion was made and seconded to go into an executive session to discuss pending litigation strategy, with a full vote unanimously agreed to go into executive session and then that we came back out into the regular session. There were no votes were taken during executive session.

The meeting adjourned.

Respectfully submitted,  
Lisa Lyons