

BOARD OF APPEALS
Minutes of Meeting
January 28, 2025

A regularly scheduled and noticed meeting of the Board of Appeals was held on Tuesday January 28, 2025, remotely on Zoom, and was called to order by Chairman Bill Moriarty at 7:30 PM.

Present were five Board members *Benjamin Labrecque, Marc Liebman, William Barlow, Bruce Krasker, William Moriarty*.

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 link recording:

<https://us06web.zoom.us/rec/share/yojmIWXXOIPVLsM7HDDdvrIIWewyBQFcqf58A2mjVftWTCtm-Zdc27cpgC6pjgKg.dCuBq7xFmdnisGOL>

Passcode: ZGG10

7:30 PM 28 South Street – Taner Gokce – construct add a second-floor addition to the rear of a pre-existing non-conforming single-family dwelling in the Central Residence District with less than the required Lot Area, Front Yard Setback, and Side Yard Setback. The addition will be built over the existing footprint of the first floor and will have no new dimensional non-conformities. Applicant has requested to continue the hearing to February 25, 2025 at 8:00 PM. The board voted to continue the hearing. Krasker, Barlow, Labrecque, Liebman, and Moriarty. (All in favor). **HEARING CONTINUES TO FEBRUARY 25, 2025 at 8:00 PM**

7:30 PM 45 Humphrey Street – Michael O’Neil and Caroline Hobert – construct a second-floor addition to a pre-existing non-conforming single-family dwelling in the Single Residence District with less than the required Frontage and Side Yard Setback. The addition will be built over the existing footprint of the first floor and will be within the Side Yard Setback. Attorney Paul Lynch represented the application for the addition along with the architect Susan Koelle. property is on a large lot with 80 ft of frontage and has an area over 11000 sf. The proposal is to add an 11 sf addition over a sun porch to expand master bedroom expansion. The applicant has reached out to neighbor at 47 Humphrey Street and they are in support of the hearing. Mr. Lynch will make the letter part of the file. Mr. Lynch requests, that if the project gets approved, that due to the large area lot and large open air ratio that the condition of build as shown and waive the usual conditions would be a reasonable request for this application. There were no comments from the Board. No one spoke in favor or opposed. A motion to close the hearing was made by William Barlow, seconded Benjamin Labrecque. Krasker, Barlow, Labrecque, Liebman, Moriarty. All in favor A vote to approve the special permit with build as shown and delay of

permit conditions. Krasker, Barlow, Labrecque, Liebman, Moriarty. All in favor. **SPECIAL PERMIT WILL ISSUE.**

7:45 PM 5 Harding Lane – John and Ann Shin -- renovate a two-story building, including a two-story addition at the rear façade, the construction of a new chimney, front porch steps, and dormer. This is located on a lot with less than the required frontage, front yard setback, and side yard setback in the Single Residence District. The new construction will be within the Side Yard Setback. (**Continued from November 26, 2024 – no evidence taken**). Architect Walter Jacob represented the application for the homeowners. Catalina Hernandez of Watler Jacob was also present. Mr. Jacob reviewed the property, indicating that the home is on a large lot with the house on the corner of the lot. The proposed two-story addition received a Certificate of Appropriateness from the Old and Historic District of a public hearing. Neighbors were notified at that time and there wasn't any opposition to the project at that time. The addition is at the rear of the home and encroaches in the side yard setback. There is an existing three-season porch and the addition will build on that footprint. Total GFA is relatively small at 242 sf. Open air ratio goes from 2.4-1 to 2.2-1. A dormer will also be added to the side/roof. Chairman Moriarty noticed that the survey in the packet is different than what is shown on screen; survey distributed to the Board does not include the dormer. Mr. Krasker expressed confusion with the survey as well. An error may have taken place when files were dropped off for OHDC public hearing. Also noticed – North Shore Survey/Gail Smith stamp not on the survey. Mr. Jacob continued his presentation showing photos of the existing gambrel house. The addition proposes a crawl space, a first level plan, and extruding gambrel (about 4'). The side of the house on the driveway side and gambrel comes out a little bit to create additional space on the second floor. The street-side facing porch will remain and all the original windows will be restored. The existing chimney will also be rebuilt, as well as improving some details on the front porch lattice work. Three neighbors, most impacted by the addition, have approved of the plans. The Board had no further questions. No one spoke in favor or opposition.

A motion to close the hearing was made by William Barlow, seconded Marc Liebman. Krasker Barlow LaBrecque Liebman Moriarty. (All in favor). A motion was made to issue a special permit with the usual conditions, based on the elements presented and discussed at the hearing with the understanding that a revised and accurate survey (survey stamp, abutters identified on the survey, new dormer included) would be submitted to the Engineering Department for the application file. Krasker Barlow LaBrecque Liebman Moriarty. (All in favor). **SPECIAL PERMIT WILL ISSUE.**

7:45 PM 18 Devereux Street – Bill Beardslee – construct a new garage addition and amend a shed on a pre-existing non-conforming lot with less than the required lot area and side yard setback as well as exceeded height allowance. The addition that will be constructed will exceed the height allowance, have less than the required side yard setback and lot area and will exceed the 10% expansion limit for non-conforming buildings. This is located in the Single Residence District. (**Continued from November 26, 2024 – evidence taken**). Applicant has requested to withdraw the application without prejudice. A motion was made by Marc Liebman to allow the withdrawal of the application, seconded by William Barlow. Krasker, Barlow, Liebman, Moriarty. All in favor. **APPLICATION IS WITHDRAWN WITHOUT PREJUDICE.**

7:45 PM 80 Naugus Avenue – Maxwell Solomon and Yulia Solomon – construct an addition to a pre-existing non-conforming single-family dwelling that is located partially within the Side

and Rear Yard Setbacks on a dimensionally conforming Lot with less than the required parking, located the Shoreline Single Residence District. The proposed construction will be located within the Side Yard Setback and exceed the allowed Height and 10% expansion limits on a pre-existing non-conforming building. Attorney Matt Wolverton presented the application with the applicant and Craig Bosworth. The lot is dimensionally conforming but the driveway encroaches onto Naugus Avenue. The homeowner appeared before the Board in 2024 but there was concern for trees and parking that was still encroaching. The applicant withdrew the application and is now before the Board with a proposal to move the addition toward the rear and make parking more compliant. 25 Sparhawk neighbor asked that the proposed condenser is screened and that they improve right of way access. Mr. Moriarty asked about the deeded right of way for 25 Sparkhawk, and Mr. Wolverton confirmed right of way access. The proposed addition for a two-car garage and storage and stairs and a primary suite on the first floor that connects to the original house. Retaining walls will be constructed to maintain a gentle slope. Addition will allow homeowners to walk internally into the home verses climbing many stairs up a hill from street level. There were no questions from the Board. No one spoke in favor. Attorney Michael Tucker representing Ms. Dibona and Ms. Tang (neighbors at 76 Sparhawk) spoke that their concerns from August were not ameliorated as hoped and feel that the addition is larger and closer to the side yard setback and green space was being lost. It was noted that they are not the recorded beneficiaries of the right of way. Mr. Wolverton commented that the project went before the Planning Board. A motion was made to close the hearing, Benjamin Labrecque, seconded, Bruce Krasker. Krasker, Barlow, Labrecque, Liebman, Moriarty. All in favor. Mr. Moriarty did not deem the objections to be fatal; Mr. Liebman agreed that the application was reasonable and accommodating. Mr. Krasker agreed. The Board voted to issue a special permit the usual conditions. Krasker, Barlow, Labrecque, Liebman, Moriarty. (All in favor).**SPECIAL PERMIT WILL ISSUE**

8:00 PM 4 Wadden Court – James Dolan – expand a pre-existing non-conforming single-family dwelling located in the Central Residence District on a non-conforming lot with less than the required Area, Frontage, Side Yard Setback, and Rear Yard Setback. The proposed expansion will be on the first and second floors and will be within the Side Yard Setback, have less than the required open area and parking, and exceed the 10% expansion limit. Attorney Paul Lynch and architect Brigitte Fortin presented the application for a 390 sf addition that would accommodate a small bedroom and bathroom. The home, built in 1925 has 424 gross floor area, located on a 1900 sf lot. The project has received approval from the Old and Historic District and has received approval from neighbors who are enthusiastic about the site being brought up to code. Mr. Barlow commented that the drawings are thorough. Mr. Liebman said that the improvements are reasonable and necessary. No one spoke in favor or opposition. A motion was made to close the hearing, William Barlow, seconded, Bruce Krasker Motion to close the hearing. Krasker, Barlow, Labrecque, Liebman, Moriarty. All in favor. The Board voted to issue a special permit with the usual findings. Krasker, Barlow, Labrecque, Liebman, Moriarty. All in favor.**SPECIAL PERMIT WILL ISSUE**

Meeting adjourned at 8:36PM.

Respectfully submitted.

Senior Clerk