

## BOARD OF APPEALS

### Minutes of Meeting

**March 25, 2025**

A regularly scheduled and noticed meeting of the Board of Appeals was held on **Tuesday March 25, 2025**, remotely on Zoom, and was called to order by Chairman Bill Moriarty at 7:30 PM.

Present were five Board members *Lipkind, Barlow, Labrecque, Rudolph, 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 recording available:

[https://us06web.zoom.us/rec/share/6aimhuRuWXSyRGPNqIXHwwCPESOAtb51jJq7BVM9JsEuxbtRYEb8ru-XavdPLN48.ODW2\\_Xn8dcjSJ5Ft](https://us06web.zoom.us/rec/share/6aimhuRuWXSyRGPNqIXHwwCPESOAtb51jJq7BVM9JsEuxbtRYEb8ru-XavdPLN48.ODW2_Xn8dcjSJ5Ft)

Passcode: A%mz#!3r

#### **1. New Business Topics: Hearings for Special Permit, or Variance, or Both**

**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. (Continued from January 28, 2025 – no evidence taken; hearing continued from February 25, 2025). Motion to allow withdrawal Barlow, Rudolph (second). Lipkind, Labrecque, Barlow, Rudolph, Moriarty. All in favor. **APPLICATION WITHDRAWN**

**7:30 PM 20 Euclid Avenue – Kevin and Caroline Wojtas** – allow a previously granted Special Permit to be extended by (6) six months. The Special Permit was issued on April 11, 2024 for the property located in the Single Residence District for the construction of a two-story addition to the existing single-family dwelling. John Fedas represented the applicant and asked for a 6-month special permit extension, stating that the owner was still getting bids for the project and expect that the project will begin in June or July of 2025. No one spoke in favor or opposition. There were no questions from the board and a motion was made to allow for a 6-month permit extension. Lipkind, Labrecque, Barlow, Rudolph. Moriarty. All in favor.  
**EXTENSION GRANTED**

**7:30 PM 10 Naugus Avenue – Richard Jordan** – allow a previously granted Special Permit to be extended by (6) six months. The Special Permit was issued on April 11, 2024 for the property located in the Shoreline Single Residence District for the construction of a single-family

dwelling on a non-conforming lot. Paul Lynch represented the applicant for the extension and reminded the Board that a special permit was granted to allow a new lot to be located on Naugus Avenue and a new dwelling constructed. The applicant is still negotiating with contractors and costs and request an extension. There were no questions from the Board. No one spoke in favor or opposition. A motion was made by William Barlow and seconded by William Rudolph to close the hearing. Lipkind, Labrecque, Barlow, Rudolph, Moriarty. All in favor. Good cause was shown for the extension request. The Board voted to grant the extension. Lipkind, Labrecque, Barlow, Rudolph, Moriarty. All in favor. **EXTENSION GRANTED**

The Board voted to approve the meeting minutes from March 25, 2025 with one grammatical change. Lipkind, Labrecque, Barlow, Rudolph, Moriarty. All in favor. **MARCH MINUTES APPROVED.**

**It was noted that the state of Massachusetts extended the use Zoom virtual hearings for Town meetings for the next two years - until May of 2027.**

**7:45 PM 2 Wyman Road – Andrea S. Zeren** – construction of an addition to a pre-existing non-conforming single-family dwelling with less than the required Front Yard Setback on a dimensionally conforming Lot, located in the Single Residence District. The proposed construction will exceed expansion limits on preexisting non-conforming building by more than 10%. The proposed construction will exceed the maximum building height requirement. Matt Wolverton presented the application for an addition exceeds 10% and goes to a 1-1.28 in open area. He noted that the height is not part of the relief being sought as stated in the agenda description. Architect Peter Pitman reviewed plans with the Board. Front elevation existing plot plan shows portico in the setback. Additions are one story and do not exceed height. Encompasses a new Kitchen and back entry and closet and back landing and rear egress. There are no changes to the main part of the house front elevation; however, there will be an extended overhang on the right side of the home. The back portico will expand and include removal of a bay window, creation of a sitting area landing with pitched roof. He noted that nothing is visible from the Atlantic Ave side of the structure. Bill Barlow asked about the basement plans and bulkhead plans on page A1.0. Pitman responded that the owner wants to maintain it; in case there's mechanical equipment to get in or out. It will not be used as an entrance. Also, there is a provision inside the building for access via a hatch on the floor and would only be accessible in an extreme case. These are only for access plumbing in crawl space to access a pipe and for utility access. There were no questions from the Board. No one spoke in favor or in opposition. A motion was made to close the hearing, William Barlow, Labrecque (seconded). With the usual conditions, the Board voted to issue the special permit. Lipkind, Labrecque, Barlow, Rudolph, Moriarty. All in favor. **SPECIAL PERMIT WILL ISSUE**

**7:45 PM 30 Waldron Street – Sunil Dhaliwal** – construction of a new addition at the north corner of the existing home and the renovation and restoration of the home. This is a single-family home that currently exceeds the maximum building height requirement and is in the Shoreline Single Residence District. The proposed construction will exceed the maximum building height requirement. Architects Paul Fiore and Casey Delia with Foley Fiore Architecture represented the application. The homeowner was present for the hearing. Additions will add about 350 sf and height relief is being requested at the back corner of the house. Project received approval/Certificate of Appropriateness from the Old and Historic District Commission

in February. (Approved application and COA will be made part of the file). Mr. Barlow asked if there would be changes to the third floor of the home. Mr. Fiore stated that no porches are changing, just the turret on the third level. They are not adding to the porches, just reconfiguring. There were no questions from the Board. No one spoke in favor or opposition. Motion was made to close the hearing (Barlow), seconded (Labrecque). The Board voted to issue the special permit with the usual conditions, and to include Old and Historic approval as part of the Decision and mention the redesign of turret on the third floor. The Board voted to issue the special permit. Lipkind, Labrecque, Barlow, Rudolph, Moriarty. All in favor. **SPECIAL PERMIT WILL ISSUE**

**8:00 PM 19 Endicott Avenue – Brooke Baker** – construction of an addition to an existing single-family home on a lot with less than the required Lot Area, Lot Width, Frontage, Side and Front Yard Setbacks. The single-family home is located the Single Residence District. The proposed addition will have less than the required Side Yard Setback, Open Area, and exceed the 10% expansion limit for non-conforming buildings.

Attorney Paul Lynch represented the application with architect Susan Koelle for a two-story at the rear of the home, the addition encroaches the side yard setback on the left side of the home, the right side of the home will be conforming at 16'. The maximum height remains at 22.2'. The open area is .9' and is caused by the basement space under the addition. Everything above ground is above the 1-1 ratio. The addition will increase the kitchen and include a family room. The second floor will have a primary bedroom, bathroom and second bedroom. All the construction is at the rear of the home. The front façade remains the same. Mr. Barlow stated that he visited the site and had concerns about the elevations, noting that the first level sits on a stone basement, 2' higher and front steps are three treads higher, and elevations may be incorrect. He expressed concerns with the bulkhead being very close to the property line and possibly requiring access via the neighbor's property. Architect Susan Koelle spoke to the challenge on how to include bulkhead and how to access to basement. The solution was to put bulkhead there for access on a temporary basis. She commented on building elevations concerns and thought that I may have been an error while using a 3D program.

Architectural drawings need to be correct, Barlow stated and that amended plans should be submitted before a vote could be taken.

Mr. Moriarty asks how the bulkhead opens and what direction. Ms. Koelle said that it is a standard bulkhead and that there is less than a foot between the fence and bulkhead door. Mr. Lipkind expressed concerns about the bulkhead on the left and how it looks like it's sitting on the foundation. He also had concerns about dimensions not being shown. Ms. Koelle stated the bulkhead is a few inches above grade. standard bulkhead... less than a foot between fence and bulkhead doors.

Mr. Lynch requested to continue the hearing so that dimensions could be added to the plans and the bulkhead moved to the right side of the home. There were no additional questions from the Board. No one spoke in favor or opposition. The Board voted to continue the matter until April 22, 2025 at 8:15PM Lipkind, Labrecque, Barlow, Rudolph, Moriarty. All in favor. **HEARING CONTINUED TO APRIL 22, 2025 at 8:15PM**

**8:00 PM 349 Ocean Avenue – Richard Schenkel and Annie Dempsey – ADMINISTRATIVE HEARING** to allow for reduced floor area and height of building. The Special Permit was granted on September 24, 2024.

Architect Walter Jacob explained that the homeowner would like to reduce the size and scope of the approved Special Permit would be considered a material change or not, and if the matter could be handled with an administrative hearing. Mr. Jacob reviewed drawings that show the removal of a three-car garage and reduce the original approved sf of 16800 down to 1100 sf.

There were no further questions from the Board.

Mr. Moriarty stated that the request to determine if there are material changes requires a majority vote, not a super majority vote and that only three board members need to agree. The Board discussed the request and Mr. Barlow stated that if a project is substantially changed, there is a moral obligation to inform the public and an application and public hearing is required, indicating that the request before the Board is a big change, even if the project enhances the home, there is an obligation to inform the abutters and the public. Barlow further stated that the Board has deemed material changes for smaller things in the past. Mr. Moriarty said that the public was exposed to larger, more invasive project and now it's being reduced.

Mr. Lipkind stated that the angles are changing, and windows are facing in another direction. Mr. Rudolph was leaning toward a materials change, even though the project is smaller in scope, it's a lot of change. Mr. Labrecque concurred that the change is significant and is a material change.

Mr. Moriarty confirmed that the request is a material change and requires a public hearing. A motion that the effect was made by Mr. Barlow, seconded by Mr. Labrecque. Lipkind, Labrecque, Barlow, Rudolph, Moriarty. All in favor.

### **APPLICATION AND HEARING IS REQUESTED**

A motion was made to adjourn the hearing. Barlow, Labrecque (seconded). Lipkind, Labrecque, Barlow, Rudolph, Moriarty. All in favor.

Meeting adjourned at 8:47PM

Respectfully submitted,

Senior Clerk

Community Planning and Development