

BOARD OF APPEALS

Minutes of Meeting

April 22, 2025

A regularly scheduled and noticed meeting of the Board of Appeals was held on **Tuesday April 22, 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, Drachman, 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/2ZGsbuH5Dt3U2X6gPCD8TR0ynsRZ9NAM0-7_WJ4ZT9PIeldTy9OhMjaduchiROp7.x0lB3MY7RprHmSKh

Passcode: rM^!TM24

7:30 PM 363 Ocean Avenue – Heather & Brett Rosenbaum – construct house addition and garage addition to a pre-existing non-conforming single-family residence with less than the required Side Yard Setback and that exceeds the Height maximum located within the Expanded Single Residence and Shoreline Expanded Single Residence Districts. The new additions will exceed the 10% expansion limits.

Attorney Chris Drucas and architect Tobin Schulman (SV Design) presented the application to construct an addition to a house and a garage. The existing single-family house was built in 1904 with first, second and attic living spaces. The addition will extend the northside wing and include a three-car garage and a revised mudroom entrance, kitchen and dining room on the first floor. The garage will face Ocean Avenue to minimize visibility from the public was. The project will remove the current driveway and circular driveway, reducing the amount of paved area. Mr. Barlow inquired about the driveway and vehicle access to the front entry. A landscape plan was not presented but it was explained that additional vegetation would screen the addition. The project received an Order of Conditions from the Conservation Commission and a Site Plan Approval from the Planning Board. A motion was made to close the hearing. (Barlow, Drachman). Barlow Drachman, Lipkind, Labrecque, Moriarty. (All in favor).

A motion was made to issue a special permit with the usual conditions and incorporate any conditions from the Site Plan Special Permit. Barlow Drachman, Lipkind, Labrecque, Moriarty. (All in favor). **SPECIAL PERMIT WILL ISSUE**

7:30 PM 12 John's Road – Christos Viorees, Trustee Johns Road Realty Trust – to vary the application of the present Zoning By-law by allowing a Special Permit to demolish a pre-existing, non-conforming single family dwelling with less than the required Lot Area, Frontage, Front Yard Setback, Side Yard Setback, Open Area, and that exceeds the Height limit and to construct a new single family dwelling that will exceed the 10% expansion threshold for a non-conforming building in the Single Residence District.

Attorney Paul Lynch and architect Derek Bloom, Bloom Architects and architect Cody Pratt Bloom Architects presented a proposal to construct a new, 3-story dwelling on the existing foundation to avoid blasting required for relocation. The new dwelling would have a total living area of approximately 3,700 square feet, with a height of 35 feet at the front elevation and 42 feet at the low point in the rear. The open area ratio would be less than one to one but would increase to over a 1 to one ratio if the garage space. The existing vacant single-family dwelling on the lot would be removed, and the new dwelling would exceed the allowed height and have less than the required open area. The slope of the site would remain unchanged, but the new structure would have an overall height differential of 11 feet 6 inches compared to the existing building. The Board expressed concerns about the size of the building and its impact on the neighborhood. A motion was made to close the hearing. (Barlow, Labrecque). Barlow Drachman, Lipkind, Labrecque, Moriarty. (All in favor). The applicant requested to withdraw the application without prejudice. The Board voted to allow the withdrawal. Barlow Drachman, Lipkind, Labrecque, Moriarty. (All in favor). **APPLICATION IS WITHDRAWN WITHOUT PREJUDICE**

7:45 PM 12 Edgemere Road – Susan B. Goldstein – construction of a new bedroom over an existing two-car garage on a pre-existing non-conforming single-family residence with less than the required Lot Area, Lot Width, Frontage, and Side Yard Setback located within the Shoreline Single Residence. Brian Stein from Vance Stein Architects reviewed plans for the second-floor bedroom suite with walk-in closet and sitting area over an existing garage. There were no questions from the Board. No one spoke in favor or opposition. A motion was made to close the hearing. (Barlow, Labrecque). Barlow Drachman, Lipkind, Labrecque, Moriarty. (All in favor). The Board voted to issue a special permit with the usual conditions. Barlow Drachman, Lipkind, Labrecque, Moriarty. (All in favor). **SPECIAL PERMIT WILL ISSUE**

7:45 PM 421-423 Ocean Avenue – Michael Kaufman – demolition of an existing garage, the construction of a new garage structure, and exterior landscaping work at a pre-existing non-conforming single-family residence with less than the required Front Yard Setback and that exceeds the Height maximum located within the Shoreline Expanded Single Residence District.

Architect Tom Saltsman presented a proposal for the garage. He explained the home and garage have common ownership but separate addresses but have merged into one parcel. The project received approval from the Planning Board. The project has the support of the neighbors. Plans to clean up the stone wall and improve exterior landscaping. The new structure will be a three-car garage with an ADU on the second floor facing the water. The existing curb cut opening will be reduced. Mr. Barlow inquired about the continuation of the stone wall being a significant character-defining feature of the site. Tom explained that the new building will have a maximum height of 30 feet, which is 2' lower than the existing building. There was some discrepancy about the height as presented on the survey. A new survey with the 30' will be submitted for the record. There were no further questions from the Board. No one spoke in favor or opposition. A motion was made to close the hearing. (Barlow, Labrecque). Barlow Drachman, Lipkind, Labrecque, Moriarty. (All in favor). A motion was made to issue a special permit with a build as shown condition and incorporate conditions from the Planning Board decision. (Barlow, Labrecque). Barlow Drachman, Lipkind, Labrecque, Moriarty. (All in favor).

SPECIAL PERMIT WILL ISSUE

8:00 PM 32 Pleasant Street – Thomas Saltsman – construction of a second-floor dormer and hallway extension on a pre-existing non-conforming single-family residence with less than the required Lot Area and Side Yard Setback located within the Central Residence District.

Architect Tom Saltsman presented the application for a dormer that will sit over an office area on the first floor. There were no questions from the Board. No one spoke in favor or opposition. Lipkind, Labrecque, Moriarty. (All in favor). A motion was made to issue a special permit with a build as shown condition and incorporate conditions from the Planning Board decision. (Barlow, Labrecque). Barlow Drachman, Lipkind, Labrecque, Moriarty. (All in favor).

SPECIAL PERMIT WILL ISSUE

8:00 PM 7 Weston Road – Molly Strauss – construct a two-story addition to an existing single-family residence with less than the required Lot Area, Lot Width, Frontage, Front Yard Setback, and Side Yard Setback located within the Single Residence District. The new addition will have less than the required parking and exceed the 10% expansion limit.

Architect Veronica Hobson, Taproot Design reviewed plans to construct a two-story addition at the rear of the home which includes expanding a mudroom and an existing patio that would be removed. The proposed first floor is a kitchen out 14.5 feet with 5x7 mudroom off the back. Bedroom over kitchen (new) area. Parking in the back would be eliminated, creating a new nonconformity. Mr. Barlow asked if there would be an basement. Ms. Hobson stated that there is a basement under the original house and a crawl space below new construction. No one spoke in favor or opposition. A motion was made to close the hearing. (Barlow, Labrecque). Barlow Drachman, Lipkind, Labrecque, Moriarty. (All in favor). A motion was made to issue a special permit with a build as shown condition and incorporate conditions from the Planning Board decision. (Barlow, Labrecque). Barlow Drachman, Lipkind, Labrecque, Moriarty. (All in favor).

SPECIAL PERMIT WILL ISSUE

8:15 PM 185 Pleasant Street – 185 Pleasant Street, LLC – to vary the application of the present Zoning By-Law by allowing a Special Permit or Variance for a change of use to a converted dwelling for a combined residential commercial building with a fourth residential unit on the ground floor located the B1 District.

Attorney Paul Lynch and architect Walter Jacob explained the application for change of use so that a commercial and residential space could be on the first floor of the property. The intent would be to use commercial space (756sf) as an administrative filing space for the Atlantic Veterinary Hospital. After discussion the Board asked for further clarification on the use of the commercial space. There were no other questions from the Board. No one spoke in favor or opposition. The applicant requested to withdraw the application without prejudice. The Board voted to allow the application to be withdrawn. (Barlow, Labrecque). Barlow Drachman, Lipkind, Labrecque, Moriarty. (All in favor). **APPLICATION IS WITHDRAWN WITHOUT PREJUDICE**

8:15 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. (Continued from March 25, 2025 – evidence taken). Attorney Paul Lynch presented a revised application for a home addition that addressed concerns that Board had about the location of a bulkhead that was close to the property line. The new plans have relocated the bulkhead. The Board was satisfied with the changes. No one spoke in favor or opposition to the project. A motion was made to close the hearing. (Barlow, Labrecque). Barlow Drachman, Lipkind, Labrecque, Moriarty. (All in favor). A motion was made to issue a special permit with the usual conditions. (Barlow, Labrecque). Barlow Drachman, Lipkind, Labrecque, Moriarty. (All in favor). **SPECIAL PERMIT WILL ISSUE**

8:30 PM 349 Ocean Avenue – Richard Schenkel and Annie Dempsey – demolish a pre-existing, non-conforming single-family dwelling that exceeds the maximum height and to construct a new single-family dwelling in the Expanded Single Residence and Shoreline Expanded Single Residence Districts. The new construction will exceed the maximum height allowed, encroach on side yard setback (pool deck only), and will exceed the 10% expansion limit for a non-conforming structure.

Walter Jacob presented the application for changes to a previously approved project that reduces the scope of work and demolishes the existing house and replaces the pool. The application before the Board is for relief for the height of the structure. The project has support from the neighbors as well. No one spoke in favor or opposition to the project. A motion was made to close the hearing. (Barlow, Labrecque). Barlow Drachman, Lipkind, Labrecque, Moriarty. (All in favor). A motion was made to issue a special permit. (Barlow, Labrecque).

Barlow Drachman, Lipkind, Labrecque, Moriarty. (All in favor). **SPECIAL PERMIT WILL ISSUE.**

Respectfully submitted,

Senior Clerk

Community Planning and Development