

## BOARD OF APPEALS

### Minutes of Meeting

January 23, 2024

A regularly scheduled and noticed meeting of the Board of Appeals was held on **Tuesday January 23, 2024**, remotely on Zoom, and was called to order by Chairman Bill Moriarty at 7:30 PM.

Present were five Board members *Lipkind, LaBrecque, Barlow, Krasker, 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.

**Roll call for attendance:** Bill Barlow, Bruce Krasker, Ben Labrecque, Alan Lipkind, Bill Moriarty. A quorum being present the meeting can begin.

**7:30 PM 5 Kimball Street – Kevin R. Walker** – construct a new accessory building to replace an existing as accessory an existing single-family dwelling on a preexisting non-conforming property with less than the required lot area, lot width, frontage, front, open area, rear and side and rear yard setbacks and exceeds height located in the Shoreline Expanded Single Residence District. The new construction will be located within the front and side yard setback. Applicant requests to withdraw without prejudice. A motion was made to allow the applicant to withdraw the application without prejudice (Barlow, Krasker) Barlow, Krasker, Labrecque, Lipkind, Moriarty. All in favor. **APPLICATION IS WITHDRAWN WITHOUT PREJUDICE**

**7:30 PM 38 Orchard Street – Tyler Gill (*continued from October 24, 2023 - no evidence taken*)** – construct an addition to an existing single-family dwelling on a preexisting non-conforming property with less than the required lot area, lot width, frontage and side yard setback, located at in the Single Residence District. The new construction will exceed the 10% expansion limits for nonconforming buildings.

Architect Tony Roosien (Anthony Roosien Architects, Swampscott, MA) presented the application to remove the garage wing, put in a proper foundation, create a new first floor and add second floor, also add space at the rear and right side of the house. The addition is slightly larger (700 sf), a 10% expansion for a nonconforming lot, open area of 2.27 is reduced to 1.79. Mr. Moriarty brought up the nonconformity that by extending the building in the back, that particular extension is a nonconforming item. The homeowner sat with Bob Ives, Building Commissioner to review the application and the nonconformity was not on the application. The shed on the site plan will be demolished. No one spoke in favor or in opposition. The hearing was closed. Lipkind, Labrecque, Krasker, Barlow, Moriarty. (All in favor). A motion was made

to issue a special permit with the usual conditions. Krasker, Barlow, Lipkind, Labrecque, Moriarty. (All in favor). **SPECIAL PERMIT WILL ISSUE**

**7:30 PM 5 Lafayette Street – Michael Phelan ADMINISTRATIVE HEARING –**

modifications including front steps reduction, ramp and covered deck replaced with open deck, handicapped access modification, window change, condenser location adjusted, request to modify driveway back up area.

Architect, Bruce Greenwald presented changing items identified during the course of construction at 5 Lafayette Street including:

- Change a bay window to an angled box bay window

- Reduce the size of the front steps

- Eliminate a ramp and covered section, adjacent to the garage

- Move a garage door from south to north side of the garage

- Modify handicapped access to accommodate a lift

- Relocate bathroom window

- Relocate condenser location

- Request to move the backup area for the driveway from the south side to the north side

Mr. Barlow identified the ramp and covered section near the garage as not necessarily meeting requirements of administrative change, key reason being that it doesn't interfere with setbacks and taking a less than accessible ramp to a better handicapped access was not adjudicated at the original meeting. Mr. Lipkind asked if application included request to approve a future lift? If so, it will not be approved at this hearing. Mr. Greenwald said most of the changes are hidden; the deck is 30" off the ground. Talk of administratively approving most items; not the ramp covered section of the garage. A vote was taken to determine the material change nature of the items 3. Barlow (yes), Krasker (no), Labrecque (yes) Lipkind (yes), Moriarty (yes). Items 1,2,4,5,6 administratively approved by the Board 4-1. The ramp and area for handicapped lift are NOT approved; requiring a full application and hearing. **ALL ITEMS ADMINISTRATIVELY APPROVED EXCEPT RAMP and HANDICAPPED LIFT and ACCESS**

**7:45 PM 10 Coolidge Road – Daniel J. Ricco (*continued from August 22, 2023 - no evidence taken*)** – construct an addition to an existing deck and enclosure of the area beneath a deck on a single-family dwelling on a preexisting non-conforming property with less than the required lot width, side yard setback and exceeds the maximum height located in the Shoreline Single Residence District. The new construction will be located within the side yard setback.

Matt Wolverton and Jonathan Poore architects presented the application on behalf of owners/Trustee. The home is in the Greystone neighborhood, off of Atlantic Avenue. There is an existing deck at the rear of the building that the owner would like to continue along the full back side of the building and enclose a portion of it. There is an 83 sf increase and the addition is not visible from a public way. There is heavy vegetation and the grade drops off at the rear. The project received an Order of Conditions from the Conservation Commission. The owners spoke to the home owner on the east side and they have no concerns about the project. There were no further questions from Board. No one spoke in favor or opposition. A motion was made to close the hearing. (Barlow, Lipkind). Labrecque, Krasker, Lipkind, Barlow, Moriarty. A motion was made to issue the special with build as shown and delay of permit. Barlow, Krasker, Labrecque, Lipkind, Moriarty. All in favor. **SPECIAL PERMIT WILL ISSUE**

**7:45 PM 20 Euclid Avenue – Kevin and Caroline Wotjas – (continued from October 24, 2023 - evidence taken)** – construct an addition to an existing single-family dwelling on a preexisting non-conforming property with less than the required lot area and rear yard setbacks, located in the Single Residence District. The new construction will be within the rear yard setback and exceed the 10% expansion limits for nonconforming buildings. Mr. Krasker did not sit at the last hearing in October but he reviewed the recording and the plans and is capable of proceeding with the hearing. John Fedas represented the application for demolishing the existing car and garage to construct a new garage and master bedroom and bathroom addition. The height elevation will not exceed 26' (plans seem to show height at 24') He identified areas for demolition (highlighted in blue) including a small corner of the home/proposal that will increase the nonformity. Two neighbors have submitted letters of support. Mr. Lipkind inquired about the proposed height on the survey showing 27.7'. A conversation about drawings and elevations and calculations took place with proposed elevation to be 2' lower than existing.

Mr. Moriarty suggested that for purposes of the Decision, the Board could say build as shown. A concern was expressed about the adequacy of the drawings and if the special permit was interpreted as a legal document, the lack of clarity could lead to different interpretations and results. Mr. Moriarty stated that a small dimensional difference can be dealt with; rectifying a height issue is another matter. Additional concerns about foundation, roof plan, windows shown on some plans, etc. A request to see elevations and floor layout was requested, along with drafted plans. No one spoke in favor or opposition. Mr. Lipkind asked to have height confirmed. It was proposed to continue the hearing to February 27, 2024. Labrecque, Barlow, Krasker, Labrecque, Lipkind Moriarty. All in favor. **THE HEARING CONTINUES TO FEBRUARY 27, 2024 at 8:30 PM**

**8:00 PM 84 Harbor Avenue – Jerome and Holly O'Neill** – construct a new single family dwelling which will replace an existing single-family dwelling on a preexisting non-conforming property with less than the required lot area, lot width, frontage, rear and side yard setbacks and exceeds the height maximum located in the Shoreline Expanded Single Residence District. The applicant has requested to continue the hearing. Barlow, Krasker, Labrecque, Lipkind, Moriarty. All in favor. **APPLICATION CONTINUES TO MARCH 23, 2024 at 8:30PM – EVIDENCE TAKEN**

**8:00 PM 47 Londonderry Road – Michael and Kelly Janos** – construct an addition to an existing single-family dwelling on a preexisting non-conforming property with less than the required lot width and side yard setback located in the Single Residence District. Architect Jeff Tucker represented the application to remove an existing 1-story garage and replace with a guest bedroom and playroom. Construction will be slab on grade and will follow the same roofline. There were no additional questions from Board. No one spoke in favor or opposition of the project. A motion was made to close the hearing. (Barlow, Krasker). Krasker, Labrecque, Lipkind, Barlow. Moriarty. All in favor. A motion was made to issue a special permit with the usual conditions for the project. Barlow, Krasker, Labrecque, Lipkind, Moriarty. All in favor. **SPECIAL PERMIT WILL ISSUE**

**8:15 PM 60 Prospect Street – MPM Companies** – construct a new single family dwelling which will replace an existing single-family dwelling on a preexisting non-conforming property with less than the required lot area and side yard setbacks located in the Unrestricted and Central Residence District. The new construction will exceed the 10% expansion limits for nonconforming buildings.

Attorney Chris Drucas representing Michael McNiff presented the application to demolish a building and replace it with a new home structure with garage that remove one of two existing nonconformities. The existing lot remains a nonconformity but new construction will comply all setback requirements. There is an expansion of 10%. The old building is condemned 32;' wide and 21' deep. The height is conforming. Neighbors are in support of the project. A petition was signed by neighbors (not made available to the Engineering office yet). There were no additional questions from the Board. No one spoke in favor or opposition. A motion was made to close issue and go to vote for special permit with the usual conditions. Barlow, Krasker, Labrecque, Lipkind Moriarty All in favor.

**SPECIAL PERMIT WILL ISSUE**

**8:15 PM 16 Pilgrim Road – Christopher Franklin and Michelle Pliskin** – construct an addition to an existing single-family dwelling on a preexisting non-conforming property with less than the required lot area, lot width, frontage, front and side yard setbacks and exceeds the height maximum located the Single Residence District. The new construction will be within the front and side yard setback and exceed the maximum height.

Applicant requests to continue – A motion was made to continue the hearing. (Barlow, Labrecque) The board voted to continue the hearing, no evidence taken to March 23, 8:30 PM Barlow, Krasker. All in favor. **HEARING CONTINUES TO MARCH 23, 2024 at 8:30 PM – NO EVIDENCE TAKEN**

Meeting Adjourned.

Respectfully submitted,  
Senior Clerk, Engineering Dept.