

MARBLEHEAD PLANNING BOARD ACCESSORY DWELLING UNIT (ADU) APPLICATION

PART I:

Owner Name(s): Richard Schenkel Address: 349 Ocean Avenue, Marblehead, MA 01945

Telephone number: 617.510.4441 E-mail: rschenkel@outlook.com

Will you [owner] be residing in the primary residence or the ADU? YES X NO _____

Do you possess title to this property (or have a P&S)? YES X NO _____

Is the deed, title or copy of signed P&S to the property attached to the application? YES X NO _____

Is this a single-family residence? YES X NO _____

The owner understands that the ADU may not be sold or transferred separate and apart from the principal dwelling to which it is an accessory use. YES X NO _____

Is a certified plot plan showing the setbacks and required parking attached? YES X NO _____

Are elevations and dimensioned floor plans identifying the exact location and sizes of the ADU and principal dwelling attached. YES X NO _____

Note: All the answers above must be YES to apply.

PART II: DESCRIPTION

(1) Is the proposed ADU within or attached to the principal residence, or within or attached to or a new detached structure. X Principal Residence _____ Detached Structure

(2) Are all stairways to the ADU above the first floor located on the rear or side of the dwelling. YES X NO _____ N/A _____

(3) How many bedrooms will the ADU have? 1

(4) Is the Habitable space* of the ADU 1000 sf or less? YES X NO _____

(5) What is the total gross floor area ** of the proposed ADU? 795 sf

(6) What is the total gross floor area of the principle Dwelling Unit***? 16,125 sf

(7) What is the calculated percentage of the ADU / Principle Dwelling unit (calculate using the answer to # 5 divided by the answer to # 6? 4.9 %

(8) Is the gross floor area of the ADU under 50% of the gross floor area of the principal dwelling

YES X NO _____

10) Will at least one off-street parking space be provided for the accessory dwelling?

YES X NO _____

PART III: REQUIRED ATTACHMENTS

Note: Plans attached shall be drawn to scale and identify the existing structure and proposed modification to create the accessory dwelling unit.

The plans shall include a table of the existing and proposed values of Part II of the application and the values specified in the bylaw and the location of existing and proposed parking spaces.

(1) A Narrative Description of the units including number of bedrooms, size and layout and addressing the following:


- a. Architectural features and design are comparable with the existing neighborhood.
- b. Vehicular and pedestrian movement is safe and convenient (parking is provided or adequate in neighborhood, curb cuts do not exceed allowed).
- c. Adverse effects on abutters are minimized (limited or no impact from the street; and privacy).

PART IV: FURTHER

By signing this application, I certify that I understand the following:

- (1) The principal dwelling and the accessory dwelling unit will remain in common or single ownership and shall not be severed in ownership.
- (2) Short-term rentals, as defined (less than 90 days), are prohibited in both the accessory and principal dwelling units and I will not rent to a tenant for less than 90-day lease or arrangement.
- (3) when a structure, which has received a permit for an accessory dwelling unit, is sold, the new owner(s), if they wish to continue to exercise the Permit, must, within thirty (30) days of the sale, submit a notarized letter stating that they will occupy one of the dwelling units on the premises as their primary residence. This shall be part of the municipal lien certificate.

Applicant Signature: _____

DocuSigned by:

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Applicant Name: Richard B. Schenkel

Date: 8/13/2024

- ☐ * A habitable room is a space in a building for living, sleeping, eating or cooking. A space in a building for living, sleeping, eating or cooking is considered a habitable space. Bathrooms, toilet rooms, closets, halls, storage or utility spaces and similar areas are not considered habitable rooms.
- ☐ ** Gross floor area is the area measured from the outside exterior walls.
- ☐ *** Total gross floor area of the building[s] minus the gross floor area of the ADU.



Walter Jacob architects

Planning Board Narrative for Accessory Dwelling Unit

Richard Schenkel & Annie Dempsey
349 Ocean Avenue
Marblehead, MA 01945

The property located at 349 Ocean Avenue is in the Expanded Single Residence (ESR) and the Shoreline Expanded Single Residence Zoning Districts. A separate proposal has been submitted to the Planning Board requesting approval to replace the existing home with a new home. This proposal is to include an accessory dwelling unit (ADU) within that proposed home.

The accessory dwelling unit will be located within the primary residence and contain 795 square feet of living space. Specifically, the ADU will contain 1 bedroom, 1 bathroom, a living room and a kitchen. Access to the unit is from within the primary residence, the site allows for adequate parking and vehicular access to serve the occupant(s) of the ADU. The architectural features of the ADU are compatible with the neighborhood and is designed to be indistinguishable from the primary residence. The proposed ADU meets all the requirements of the Marblehead ADU bylaw.

The proposed home and ADU have been designed to be consistent with the character of the neighborhood, town infrastructure and natural resources.

Richard B. Schenkel
349 Ocean Avenue
Marblehead, Massachusetts 01945

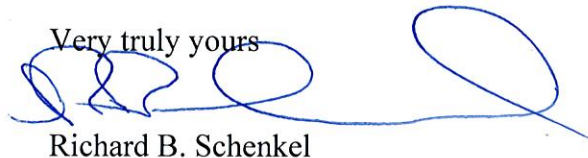
Marblehead Planning Board
c/o Lisa Lyons
Mary Alley Municipal Building
7 Widger Road
Marblehead, MA 01945

Re: Accessory Dwelling Unit
349 Ocean Avenue

Dear Members of the Planning Board,

In connection with my application for a special permit for an Accessory Dwelling Unit at 349 Ocean Avenue (the "Property"), I hereby state that I am the record owner of the Property in my capacity as Trustee of the Richard B. Schenkel Revocable Trust u/d/t dated April 7, 2006 and that I will occupy the primary dwelling unit at the Property.

Very truly yours



Richard B. Schenkel

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, ss.

On this 13th day of August, 2024, before me, the undersigned notary public, personally appeared Richard B. Schenkel, proved to me through satisfactory evidence of identification, being (check whichever applies): () driver's license or other state or federal government document bearing a photographic image; () oath or affirmation of a credible witness known to me who knows the above signatory; or ☒ my own personal knowledge of the identity of the signatory to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose and that the same is his free act and deed.



Notary Public:

Name: Nada Bogharian-Reed

My Commission Expires: 3/31/2028



Nada Bogharian-Reed
NOTARY PUBLIC
Commonwealth of
Massachusetts
My Commission Expires
3/31/2028



SO.ESSEX #140 Bk:41862 Pg:295
11/16/2023 11:30 AM DEED Pg 1/5
eRecorded



Southern Essex District Registry
11/16/2023 11:26 AM DEED Pg 1/5
ID: 1419791 Doc: 648049 (97088+)
eRecorded

MASSACHUSETTS EXCISE TAX
Southern Essex District ROD
Date: 11/16/2023 11:26 AM
ID: 1419791 Doc# 648049
Fee: \$34,200.00 Cons: \$7,500,000.00

QUITCLAIM DEED

I, **ROBERT MacAULAY**, a married man, of Marblehead, Massachusetts, for consideration paid and in full consideration of **SEVEN MILLION FIVE HUNDRED THOUSAND AND 00/100 (\$7,500,000.00) DOLLARS**, grant to **RICHARD SCHENKEL**, Trustee of the Richard B. Schenkel Revocable Trust, u/d/t dated April 7, 2006, now with a mailing address of 349 Ocean Avenue, Marblehead, MA 01945. (See Trustee's Certificate pursuant to M.G.L. c. 184 §35 recorded herewith)
with *QUITCLAIM COVENANTS*

The land with the buildings thereon, know and numbered as 349 Ocean Avenue, Marblehead, Essex County, Massachusetts as more fully described below:

Parcel One (Recorded):

The land together with the buildings thereon in that section of Marblehead, Essex County, Massachusetts, known as Marblehead Neck, situated on Ocean Avenue, bounded and described as follows:

WESTERLY:	by Ocean Avenue, one hundred eighty-two and 99/100 (182.99) feet;
NORTHERLY:	by Lot 2A ² as shown on a Plan hereinafter referred to, now or formerly owned by Pandapas, three hundred thirty-three and 09/100 (333.09) feet;
EASTERLY:	by Lot 6, as shown on said Plan, one hundred eighty-two and 50/100 (182.50) feet; and
SOUTHERLY:	by land now or formerly of Traiser, three hundred fifty and 13/100 (350.13) feet.

Being Lot 2A¹ as shown on Plan entitled "Plan of Land Belonging to Anna M. Chapman, Marblehead, Mass. July 1962, Kenneth W. Richardson, Mass. Reg. Land Surveyor", recorded in Essex South District Registry of Deeds, Book 4959, Page 122.

Containing 1.66 acres of land, according to said Plan.

Property Address: 349 Ocean Avenue, Marblehead, MA

Said premises are conveyed subject to such easements and restrictions of record as may now be in force and applicable.

Parcel Two (Registered):

The land, together with the buildings thereon, situated on Ocean Avenue, Marblehead, Essex County, Massachusetts, bounded and described as follows:

NORTHERLY:	by Lot 5, as shown on Plan hereinafter mentioned, about ninety-five (95) feet;
EASTERLY:	by the Atlantic Ocean;
SOUTHERLY:	by Lot B, as shown on said Plan, about one hundred five (105) feet; and
WESTERLY:	by land now or formerly of Nellie Blanche Hayden, one hundred eighty-two and 50/100 (182.50) feet.

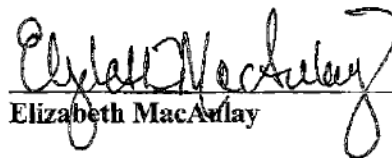
All of said boundaries are determined by the Court to be located as shown upon plan numbered 15386-D, drawn by Kenneth W. Richardson, Surveyor, dated October 11, 1960, as modified and approved by the Court, filed in the Land Registration Office, a copy of a portion of which is filed with Certificate of Title 30030 in said Registry, and the above described land is shown as Lot 6, on last mentioned plan.

There is appurtenant to all of the land of said Nellie Blanche Hayden, shown on plan filed with Certificate of Title 10341, and to the above-described land the right to use the way thirty feet wide, and Beach Lane, shown on said plan as a way to and from Ocean Avenue, in common with other entitled thereto.

The Grantor and his spouse, Elizabeth MacAulay, hereby release any and all rights pursuant to M.G.L. Chapter 188 and state under the penalties of perjury that there are no other persons entitled to Homestead protection for the granted premises.

Meaning and intending to convey the same premises conveyed to Grantor by deed dated June 12, 2007 recorded with the Essex South District Registry of Deeds in Book 26921, Page 444 and filed with Essex South Registry Land Court as Document Number 480044 on Certificate of Title No. 480044.

EXECUTED, as a sealed instrument this 12th day of November, 2023

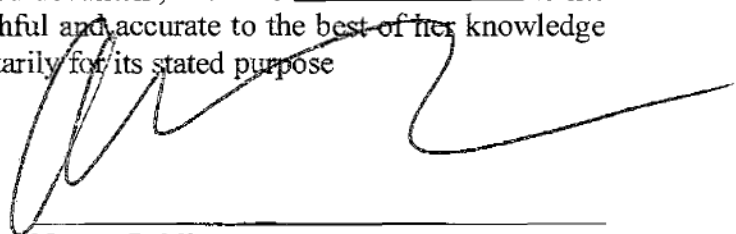

Elizabeth MacAulay

Essex

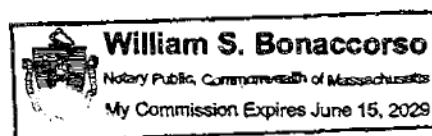
COMMONWEALTH OF MASSACHUSETTS

, ss.

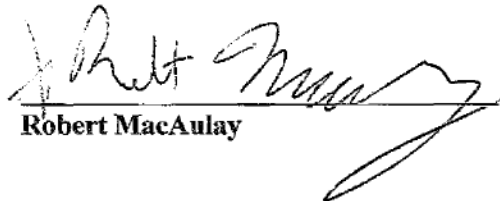
On this 12th day of November, 2023 before me, the undersigned notary public, personally appeared **Elizabeth MacAulay** proved to me through satisfactory evidence of identification, which was a MASS DRIVER'S LICENSE to be the person whose name is signed on the preceding or attached document, and who swore or affirmed to me that the contents of the document are truthful and accurate to the best of her knowledge and belief and that she has signed it voluntarily for its stated purpose


Notary Public:

My Commission expires:

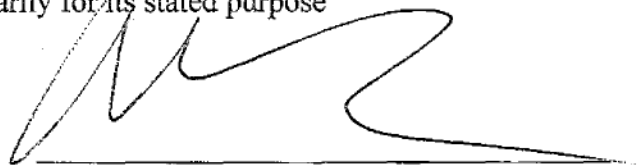


EXECUTED, as a sealed instrument this 12th day of November, 2023


Robert MacAulay

ESSA, ss. COMMONWEALTH OF MASSACHUSETTS

On this 12th day of November, 2023 before me, the undersigned notary public, personally appeared **Robert MacAulay** proved to me through satisfactory evidence of identification, which was a MAS OVR to be the person whose name is signed on the preceding or attached document, and who swore or affirmed to me that the contents of the document are truthful and accurate to the best of his knowledge and belief and that he has signed it voluntarily for its stated purpose



Notary Public:

My Commission expires:



Document: 648049

DEED

Southern Essex District ROD

RECEIVED FOR REGISTRATION

On: 11/16/2023 11:26 AM

CREATED CERT: 97088 Book: 604

CANCELLED CERT: 80642 Book: 449