



TOWN SEAL
tel: 781-631-1529

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Revision Date: 12-02-20

Town of Marblehead
ZONING BOARD OF APPEALS

Mary A. Alley Municipal Building
7 Widger Road, Marblehead, MA 01945

ZBA APPLICATION
PAGE 1 of 3

2025 JUL 23 AM 9:16

Town Clerk

Project Address 2 Wyman Road Marblehead, MA 01945

Assessor Map(s) 96 Parcel Number(s) 2-0

OWNER INFORMATION

Signature _____ date _____

Name (printed) Andrea S. Zeren and David R. Selden

Address 2 Wyman Road Marblehead, MA 01945

Phone Numbers: home _____ work _____

E-mail _____ fax see below for contact information

APPLICANT or REPRESENTATIVE INFORMATION (if different from owner)

Signature Matthew Wolverton date July 16, 2025

Name (printed) Matthew Wolverton, Law Offices of Lausier & Lausier, LLC

Address 2 Hooper Street Marblehead, MA 01945

Phone Numbers: home 781 631 8830 work 781 631 8830

E-mail matt@lausierlaw.com fax 781 631 8840

PROJECT DESCRIPTION & RELIEF REQUESTED (attach additional page if necessary)

SEE ATTACHED DESCRIPTION

Reviewed by
Building Department
For Zoning Board
Of Appeals

- Please schedule a Zoning / Application review with the Building Department by calling 781-631-2220.
- Obtain the Town Clerk's stamp and submit 12 copies of each of the following to the Town Engineer's Office:
 - the signed and stamped application (3 pages);
 - current survey plan (not older than 90 days) as prepared by a Registered Professional Land Surveyor;
 - the project design plans as required;
 - check for the applicable fee payable to the Town of Marblehead.
- Any relevant permit(s) that were previously issued must be available for review by the Board of Appeals at the scheduled hearing. (Section 3(D), Board of Zoning Appeals Rules & Regulations).

REQUIRED SIGNATURES

1. Building Commissioner (pages 1, 2 and 3)

SS CD

7-21-2025

2. Town Clerk's stamp (upper right corner)

View Bylaws - (Chapter 200, Zoning) - online at: www.marblehead.org/

Town of Marblehead
ZBA-APPLICATION
Page 2 of 3

Revision Date: 12-02-2020

Project Address 2 Wyman Road Marblehead, MA 01945 **Map(s) / Parcel(s)** 96/2-0

ZONING DISTRICT (circle all that apply)

B B1 BR CR SCR ECR GR SGR **SR** SSR ESR SESR HBR U SU

CURRENT USE (explain) single family residence

CURRENT USE CONFORMS TO ZONING (Article IV, Table 1)

Yes No (explain) _____

PROPOSED CHANGE OF USE

No Yes (explain) _____

PROPOSED CONSTRUCTION QUALIFIES AS "Building New" (\$200-7) Yes No

EXISTING DIMENSIONAL NON-CONFORMITIES (check all that apply)

Lot Area - Less than required (\$200-7 and Table 2)
 Lot Width - Less than required (\$200-7)
 Frontage - Less than required (\$200-7 and Table 2)
 Front Yard Setback - Less than required (Table 2)
 Rear Yard Setback - Less than required (Table 2)
 Side Yard Setback - Less than required (Table 2)
 Height - Exceeds maximum allowed (\$200-7 and Table 2)
 Open Area - Less than required (\$200-7, §200-15.B(2) and Table 2)
 Parking - Less than required; undersized; tandem (\$200-17 to §200-21) (circle all that apply)
 Other Non-conformities (explain) _____
 No Existing Dimensional Non-conformities _____

NEW DIMENSIONAL NON-CONFORMITIES (check all that apply)

Lot Area - Less than required (\$200-7 and Table 2)
 Lot Width - Less than required (\$200-7)
 Frontage - Less than required (\$200-7 and Table 2)
 Front Yard Setback - Less than required (Table 2)
 Rear Yard Setback - Less than required (Table 2)
 Side Yard Setback - Less than required (Table 2)
 Height - Exceeds maximum allowed (\$200-7 and Table 2)
 Open Area - Less than required (\$200-7, §200-15.B(2) and Table 2)
 Parking - Less than required; undersized; tandem (\$200-17 to §200-21) (circle all that apply)
 Exceeds 10% Expansion Limits for Non-conforming Building (\$200-30.D)
 Other Non-conformities (explain) _____
 No New Dimensional Non-conformities _____

ADDITIONAL HEARINGS REQUIRED

Conservation Commission	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Historic District Commission	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Planning Board	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>

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DESIGN & SURVEY PLANS MEET -ZBA- RULES & REGULATIONS (Sections 3(A) and 3(C))

Yes No (explain) _____

Building Official



Date 7/21/2025

Town of Marblehead
ZBA-APPLICATION
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Revision Date: 12-02-2020

Project Address 2 Wyman Road Marblehead, MA 01945

Map(s) / Parcel(s) 96/2-0

NET OPEN AREA (NOA)

	<u>EXISTING</u>	<u>PROPOSED</u>
Lot area = A	10,000	10,000
Area of features		
footprint of accessory building(s)	497	497
footprint of building	1554	1908
footprint of deck(s), porch(es), step(s), bulkhead(s)	382	454
number of required parking spaces <u>2</u> x (9'x 18' per space)	324	324
area of pond(s), or tidal area(s) below MHW	0	0
other areas (explain) _____	0	0
Sum of features = B	2757	3183
Net Open Area (NOA) = (A - B)	7243	6817

GROSS FLOOR AREA (GFA)

accessory structure(s)	497	497
basement or cellar (area >5' in height)	1554	1554
1st floor (12' or less in height) <u>NOTE:</u> [for heights exceeding	1768	2059
2nd floor (12' or less in height)	885	885
3rd floor (12' or less in height)	0	0
4th floor (12' or less in height)	0	0
attic (area >5' in height)	0	0
area under deck (if >5' in height)	0	0
roofed porch(es)	181	200
Gross Floor Area (GFA) = sum of the above areas	4885	5195

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Proposed total change in GFA = (proposed GFA - existing GFA)	<u>= 310</u>
Percent change in GFA = (proposed total change in GFA ÷ existing GFA) x 100	<u>= 6.3% %</u>
Existing Open Area Ratio = (existing NOA ÷ existing GFA)	<u>= 1.48</u>
Proposed Open Area Ratio = (proposed NOA ÷ proposed GFA)	<u>= 1.31</u>

This worksheet applies 1. plan by/dated North Shore Survey Inc. dated June 12, 2025
to the following plan(s): 2. plan by/dated Pitman & Wardley dated July 10, 2025
3. plan by/dated _____

Building Official 

Date 7-21-2025

PROJECT DESCRIPTION & RELIEF REQUESTED

2 Wyman Road, Marblehead, MA 01945
Andrea S. Zeren and David R. Selden

The Applicant requests that the Zoning Board of Appeals issue a Special Permit under the Zoning By-Law modifying a previously issued Special Permit allowing the 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 at **2 WYMAN ROAD** in a **SINGLE RESIDENCE DISTRICT**. The proposed construction will conform to all dimensional requirements of the By-Law.

Reviewed by
Building Department
For Zoning Board
Of Appeals



This space reserved for the Registry of Deeds

**TOWN OF MARBLEHEAD
DECISION OF
THE ZONING BOARD OF APPEALS**
on
Application of
Andrea S. Zeren and David R. Selden
For a Special Permit
2 Wyman Road
Marblehead, MA 01945
(Map 96 Parcel 2-0)

Report of Facts, Findings, and Decision of the Board of Appeals on the petition of:

Andrea S. Zeren and David R. Selden
(the "Petitioner")

The Applicant requests that the Zoning Board of Appeals issue a Special Permit under the Zoning By-Law allowing the 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 at 2 WYMAN ROAD in a SINGLE RESIDENCE DISTRICT. The proposed construction will exceed expansion limits on a pre-existing non-conforming building by more than the allowed 10%, but will otherwise conform to all dimensional requirements of the By-Law.

All statutory requirements relating to publication and notice were duly complied with, including timely publication in a local newspaper. Notice to all persons deemed by the Board to be affected by the petition, as required by Section 11 of Chapter 40A of the General Laws of the Commonwealth and the provisions of the Marblehead Zoning By-Laws, was duly given. The Petitioner, who was present, was represented by counsel, Matthew J. Wolverton, Law Offices of Lausier & Lausier, LLC, 2 Hooper Street, Marblehead, MA 01945 and Architect, Peter Pitman, of Pitman & Wardley Associates, LLC, 32 Church Street Salem, MA 01970.

The Public Hearing was called to order at or after 7:45 PM on Tuesday, March 25, 2025, with the hearing being held via remote Zoom Conferencing pursuant to certain temporary provisions which were first implemented by Executive Order in March 2020 and subsequently enacted by Section

20 of Chapter 20 of the Acts of 2021, An Act Relative to Amending Certain COVID-19 Measures Adopted During the State of Emergency, and as subsequently further extended by Governor Healey of the Commonwealth of Massachusetts. Sitting at the hearing were:

Chairman:	William R. Moriarty
Members:	Alan Lipkind
	William Barlow
	Benjamin LaBrecque
	William Rudolph

The following documents were filed with the Petition and constitute a part of the permanent record of the Board:

A Survey entitled "ZONING BOARD OF APPEALS PLAN 2 WYMAN ROAD MARBLHEAD, PROPERTY OF ANDREA ZERREN [sic] & DAVID SELDEN", having a Scale: 1" = 20', dated October 16, 2024, drawn by North Shore Survey Corporation, 14 Brown Street, Salem, MA 01970.

Architectural Plans entitled "ZEREN RESIDENCE, 2 WYMAN ROAD, MARBLEHEAD, MA 01945" having a 1/8" = 1'-0" dated October 15, 2024, drawn by Pitman & Wardley Associates, LLC, 32 Church Street Salem, MA 01970, consisting of the following separate sheets:

- A1.0 Existing & Proposed Basement Floor Plans
- A1.1 Existing & Proposed First Floor Plans
- A1.2 Existing & Proposed Second Floor Plans
- A1.3 Existing & Proposed Roof Plans
- A2.1 Existing & Proposed Front Exterior Elevations
- A2.2 Existing & Proposed Right Exterior Elevations
- A2.3 Existing & Proposed Rear Exterior Elevations
- A2.4 Existing & Proposed Left Exterior Elevations

The Applicant's representatives then explained the Application as follows:

2 Wyman Road is a dimensionally conforming lot located in a single residence district, with a single-family residence located on the lot that has less than required front yard setback. The applicant proposes the construction of certain dimensionally conforming additions toward the side and rear of the home, that will exceed the 10% expansion limits on a pre-existing non-conforming building. The proposed addition would result in an increase of 501 square feet of Gross Floor Area, and will reduce the open area ratio from a 1:1.48 to 1:1.28, remaining compliant as to open space.

Mr. Barlow inquired as to the location of the existing bulkhead, and whether it will remain under the proposed crawl space as shown on the basement floor plans. Mr. Pitman explained that this was done for purposes of access and moving materials due to the interior hatch and narrow staircase that provides access to the basement. In addition, Mr. Barlow inquired as to the access panels into the proposed crawl space, to which Mr. Pitman answered that the access panels would

be located where there are presently existing windows and can be used for access to utilities and pipes that will be located within the crawl space to serve the stackable and washer and dryer to be located on the floor above.

After the presentation, the Board asked if anyone present wished to speak in favor or in opposition to the Application. No one spoke.

After deliberation amongst the Board Members, the Board made the following findings and decision:

Findings of the Board

By voting positively on the Application and granting the requested Special Permit as to the proposed addition, the Board made the following determinations and findings:

1. That all statutory requirements relating to publication and notice were duly complied with.
2. That all submitted plans and specifications meet the requirements of the Rules and Regulations of the Board.
3. That based upon the plans and specifications, and the information presented to the Board, the criteria set forth in ARTICLE IX, § 200-36F of the Marblehead Zoning By-Laws, consisting of the following, have been satisfied:
 - a. The general purposes and intent of the By-Law are met: The single-family residential use is permitted as of right in the District, the dimensional relief requested is allowed by Special Permit; and,
 - b. The specific site is an appropriate location for such use or building: The property is zoned for single-family residential use and the proposed additions will be located at the side and rear of the existing structure; and,
 - c. The use as developed will not adversely affect the neighborhood. A single-family residential structure presently exists on the Lot, the proposed construction will not adversely affect the neighborhood; and,
 - d. There will be no nuisance or serious hazard to vehicles or pedestrians. Vehicle and pedestrian access is not a concern as there will be no impact from the proposed construction on vehicular access or pedestrian access as it presently exists; and,
 - e. Adequate and appropriate facilities will be provided for the proper operation of the proposed use. There are facilities to support the ordinary residential use of the dwelling.

Decision

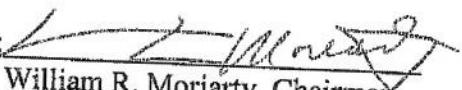
Whereupon the Board, after discussion and comments that the project met the Special Permit Criteria, voted to grant a Special Permit allowing the proposed construction subject to the following the following usual conditions:

- This Special Permit is issued on the condition that there shall be no construction at any time following the vote of the Board of Appeals which either differs from the construction set forth on the drawings approved and stamped by the Board of Appeals by that vote, or which is inconsistent with this Decision and these conditions, without the Petitioner obtaining prior written approval from the Board of Appeals for such construction.
- This Special Permit is issued on basis that there will be a so-called "delay of permit" condition imposed and that work may not be commenced until all appeal periods have expired and a copy of this five (5) page Decision, in its entirety, and not merely the conditions, bearing the certification of the Town Clerk that twenty (20) days have elapsed after the Decision has been filed in the office of the Town Clerk and either that no appeal has been filed, or that an appeal has been filed within such time, has been recorded in the Essex South District Registry of Deeds and indexed in the Grantor Index under the name of the owner of record or is filed for registration, if the land is registered, and noted on the Owner's Certificate of Title, all as required by Massachusetts General Laws Chapter 40A.
- This Special Permit is issued on the condition that no Certificate of Occupancy shall be issued by the office of the Building Inspector if any of the construction either differs from the construction set forth on the drawings approved and stamped by the Board of Appeals by that vote, or which is inconsistent with this Decision and these conditions, without the Petitioner obtaining prior written approval from the Board of Appeals for such construction.
- If the Petitioner shall exercise any rights of construction under a duly appealed Special Permit, such rights shall be at the Petitioner's sole risk that a court will reverse the Special Permit and that any construction performed under the Special Permit may be ordered undone.
- There shall be no future alterations, changes, or additions whatsoever, including additions of less than 10%, to any structure, or any new structure constructed or placed on the property, except pursuant to a Special Permit granted by the Board of Appeals.

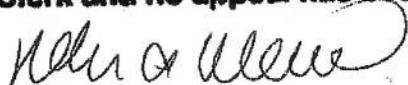
The votes by the Board Members granting the Special Permit were:

Chairman:	William R. Moriarty	-	YES
Members:	Alan Lipkind	-	YES
	William Barlow	-	YES
	Benjamin LaBrecque	-	YES
	William Rudolph	-	YES

The hearing then adjourned.
BOARD OF APPEALS
TOWN OF MARBLEHEAD

By: 
William R. Moriarty, Chairman

I hereby certify that twenty days
have elapsed since this decision has
been filed in the office of the
Town Clerk and no appeal has been
filed.


Robin A. Michaud
Town Clerk-Marblehead

MAY 14 2025

MR 22 11-11-10
XO