

Marblehead Planning Board

Minutes of Meeting

Wednesday November 9, 2011

Members present: Philip Helmes, Edward Nilsson, Karl Johnson, James Bishop, Kurt James,
Others present: Becky Curran Town Planner

A quorum being present the meeting was called to order at 7:30 pm

Cont. Public Hearing Site Plan Approval - 151 Green Street

The applicant requested the public hearing be continued until December 20, 2011 – they are still working through the Conservation Commission process. The applicant has signed a waiver.

A motion was made and seconded to continue the hearing until 7:30 pm on December 20, 2011 in Abbot Hall

Cont. Public Hearing – Site Plan Approval - 22 Foster Street

William Dimento informed the board that he would be taping the meeting.

At the last public hearing the planning board requested a continuance in order to conduct a site visit, the applicant was asked to bring photographs to better show the impacts. A site visit was conducted.

The applicant's representative architect Paul Muldoon of Seimasko and Verbridge went through the plans and photographs showing the impacts from the neighboring properties.

George Atkins Attorney for abutter William Nutt stated that the height difference between the existing height of building is 9 feet higher in middle of the building and 14 feet higher than the existing building as you go towards the harbor. This is substantial increase in height and that is the primary objection that his client has with this building. All of the dimensions regulations, frontage lot side rear and height, are exceeded for this lot.

Kurt James asked if privacy, view and mass of building were the issues.

Phil Helmes asked the architect to thorough the increased gross floor area

The architect stated the building was going from 5800 square feet to 8975 square feet. He also stated the % glazing wise the windows are the same

Ed Nilsson said expanding the height beyond existing and massing of the building has impact on the shoreline district. The existing building follows the contour of the land and creates a major impact on the shoreline. He is in favor of reducing the mass. Feel that it is a bad precedent for houses going beyond the zoning in the shoreline district.

Phil Helms said a flat roof that meets the height requirement would be far more detrimental in his opinion than a well designed building that exceeds the height limitation.

Ed Nilsson stated the he would rather see the house stepped down. He is concerned with the height at the waters edge.

Stein Skaane 16 Foster Street objects to the project he feels it is too big a house for the lot. He thinks it negatively impacts his property.

Architect noted that 20 Foster Street house is higher and larger than the proposed house.

William Nutt 20 Foster Street objects to going from a small house and making it three times the size. He wants it to stay within the guidelines. The 30 foot height. The mass is too significant.

Merril Sevinor the applicant has wants to move to this lot and keep the integrity of the property and hope to beautify the neighborhood.

A motion to close the public hearing was made and seconded.

Board Discussion

Kurt James asked for clarification of Ed Nilsson's concern that it was the effect of the house on the shoreline. Ed Nilsson clarified that he think it should be stepped back.

Jim Bishop does not have a problem, it is appropriate to the neighborhood, majority of the houses are larger – even though it is outside the zoning bylaw and undersized in every respect.

Ed Nilsson maintained that with a reduction of less than 1000 square feet of f the house could solve the problem

A motion was made and seconded to approve the plan as submitted with a condition to remove the discussed tree limb. 3-2 James and Nilsson opposed

Planner stated that the 3-2 vote means effective denial and that the project has not been approved and cannot come back for a period of two years. Discussion ensued on the process.

After a lengthy discussion on process Ed Nilsson made motion to continue redesign to lower the height and massing at the water's edge. The discussion continued and it was decided that the board must rescind the vote in order to make any alternate motions.

George Atkins attorney for William Nutt asked to clarify the process it seems to him that the site plan approval special permit was denied.

The board then reconsidered the vote to deny. A motion was made (Helmes) and seconded James (to reconsider and withdraw the previous vote. All in favor.

Reopened the public hearing motion to continue to December 20, 2011

A vote was made and seconded to continue redesign to lower the height and massing at the water's edge maintaining architectural. All in favor.

George Atkins asked to be notified when the information requested is submitted.

The applicant agreed to sign an Extension form to continue until December 20, 2011.

Cont. Public Hearing – Site Plan Approval – 7/9 Maple Street – Glover School – Marblehead School Committee

A letter was read letter from school department at the applicants request continue the public hearing until December 20, 2011 – they are still working updating the traffic study and the drainage plan

A motion as made and seconded to continue the hearing until 7:30 pm on December 20, 2011 in Abbot hall

Cont Public Hearing - to modify a previously approved subdivision and site plan review for a subdivision of land off field brook road Camille Terrace

This is the continuation of the public hearing to modify a previously approved subdivision and site plan review for a subdivision of land off Field Brook Road. The board had asked the applicant to prepare some material which was submitted on December 2.

Phil explained that this was an approved subdivision and the board would focus on how the modifications applied for.

Eric Lane of Hayes Engineering represented the applicant. He explained the original attempt was to raise the road that at the last hearing they heard the abutters concerns and now are only reducing by 4' and also asked for modifications to building footprints and the buffer and landscaping. To address the drainage issues he took the original design kept

grades so although there would be a slight increase in velocity it would not be great and the same amount of water charges in buffer zones

He then went through Item by item on the site plan approvals conditions

Condition number 3. Field brook road house no longer planning to relocate plan to tear down and build a new house.

Construction practices i. temporary construction roadway is no longer needed since Field brook road house is being torn down. k. Ledge – rip rap slopes rather than wall. Landscaping modifications to no cut no disturb varies from lot to lot. Lot 5 - terraced walls change. 6' concrete foundation and terraced walls will look better than 6' concrete wall.

Paul Caggiano applicant explained that presently the plan calls for one cement wall, his idea was to was to soften by creating terraces which will cause them to infringe on buffer to terrace an landscape to make 2 small walls rather than a high wall

Larry Alexander 4 Longview Drive west - Plan was meant to compare the approved with proposed. The plan seems to now being modified at this hearing.

Phil Helms clarified let's find out that they are asking for and they can propose changes to that but before anything is approved we will have a new plan clearly showing changes.

He asked that they continue to go through lot by lot.

Lot 4 existing 50 buffer zone they propose 40. In rear and now no change on side.

5 being terrace no change in buffer

Lot 6 change in buffer to accommodate a pool in back yard existing decreasing buffer 70' buffer now 35' .

Lot 7 change in buffer 50' to 30' and proposed no change

No other changes in buffer.

Public Comments opened

Louis Fisher 38 Longview Drive asked about lot 3 owners stated no change to lot 3.

Bill Anderson Between lots 4 and 5 he would like a better explanation of how the height rise will affect the drainage in the area. Already get flooding so he is concerned.

Eric lane explained that they are capturing most of the water in the storm drains. Keeping the break point going in that direction

Letter read into record of Levinson & Milligan

Discussion on drainage ensued.

Tarek Haydar 50 Londonderry – lives right behind lot 5. He appreciates revised wall scheme but is still concerned about the terrace walls in buffer zone make s a problem with implementing the landscape plan that was approved. Purpose is to screen the properties concerned that the terraces will impact that visual screen. They may not allow enough room. Asked if you can plant a 20' pine tree within a 4' area. Also concerned with blasting process.

Planner suggested they look at root volumes of proposed vegetation to make sure the vegetation will thrive there.

Pau Caggiano explained the first terrace 10 feet from properly. They don't have to change 5' stays the same. The footprint of house moved closer to back.

Phil Helmes stated that the board is going to ask for revised plans based on all of the changes that are being discussed.

Frank Mastrangelo 52 Londonderry road – He is concerned with problem with drainage. There have been severe problem with existing storm drains. Wonders if additional houses will be able to be supported by system.

Sheila Mastrangelo 52 Londonderry rd – there has been no flooding until last few years for some reason the end of Londonderry is being flooded. Does not want the project to make matters worse.

Larry Alexander 9 Longview Drive west - Originally just a tweak of the plan to modify road grade and changes that are necessitated by that. Now it has been modified and there are other changes to more and more so now it is not just a change in the road profile. It is reduction in the amount of buffer zone. Seeking to cut back buffer zone which is not just about the road anymore and changed the footprint of the houses. No longer accurate footprint, buffer, pools are not necessitated

The Planner explained that originally the plan was to modify the roadway and the changes necessitated by that grade change and now we are looking at changes that go beyond that. Suggested the board should ask the applicant to re submit and re-advertise to more accurately reflect the modifications sought.

Phil Helmes suggested that the applicant provide new information and the board will review lot by lot applicant should demonstrate their reasons for each modification.

A lengthy discussion on scheduling ensued.

Mario Angenica stated that the footprint changes were not significant. They are tweaked.

Eileen Mathieu 44 Longview Drive is concerned with drainage and buffer zone. As neighbors they would like their own engineer to review and the plan keeps changing. They need sufficient time to have this done.

Vote to allow the applicant to withdraw without prejudice and will reapply to more accurately describe reflect the modifications. All in favor.

The applicant stated that he planned to submit a new application.

Planner stated that a new hearing will be readvsetised and scheduled when a new application is submitted.

A motion was made and seconded to adjourn the meeting. All in favor.

Respectfully submitted,

Rebecca Curran