



TOWN SEAL  
tel: 781-631-1529

fax: 781-631-2617  
Revision Date: 08-01-2025

# Town of Marblehead **ZONING BOARD OF APPEALS**

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

## **ZBA APPLICATION**

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2025 SEP 18 PM 3:48  
Town Clerk

Project Address 1-3 Essex Street

Assessor Map(s) 129 Parcel Number(s) 27 & 28

### **OWNER INFORMATION**

Signature \_\_\_\_\_ date \_\_\_\_\_

Name (printed) Ruthy, LLC

Address 3 Valley Road

Phone Numbers: home (781)462-5626 work \_\_\_\_\_

E-mail scimone67@gmail.com fax \_\_\_\_\_

### **APPLICANT or REPRESENTATIVE INFORMATION** (if different from owner)

Signature [Signature] date \_\_\_\_\_

Name (printed) Jeffrey M. Tucker AIA, ASLA

Address 56 Atlantic Ave Marblehead Ma 01945

Phone Numbers: home 781- 631- 3546 work \_\_\_\_\_

E-mail jeff@tuckerarch.com fax \_\_\_\_\_

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

See Attached sheet for Project Narrative and Relief

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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 Community Development & Planning 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) [Signature] 9-18-2025
2. Town Clerk's stamp (upper right corner)

**View Bylaws - (Chapter 200, Zoning) - online at: <https://marbleheadma.gov/>**

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

Project Address 1-3 Essex Street

Map(s) / Parcel(s) 129 / 27&28

**ZONING DISTRICT** (circle all that apply)

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

**CURRENT USE** (explain) Combination Residential & Commercial use and Parking Lot

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

Yes \_\_\_\_\_ No X (explain) Grandfathered Special Permit Mixed Use

**PROPOSED CHANGE OF USE**

No X Yes \_\_\_\_\_ (explain) \_\_\_\_\_

**PROPOSED CONSTRUCTION QUALIFIES AS "Building New"** (§200-7) Yes X No \_\_\_\_\_

**EXISTING DIMENSIONAL NON-CONFORMITIES** (check all that apply)

- X 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)  
X Rear Yard Setback - Less than required (Table 2)  
\_\_\_\_\_ Side Yard Setback - Less than required (Table 2)  
X Height - Exceeds maximum allowed (§200-7 and Table 2)  
X Open Area - Less than required (§200-7, §200-15.B(2) and Table 2)  
X 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)

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

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**ADDITIONAL HEARINGS REQUIRED**

Conservation Commission	Yes _____	No _____
Historic District Commission	Yes _____	No _____
Planning Board	Yes <u>X</u>	No _____

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

Yes X No \_\_\_\_\_ (explain) \_\_\_\_\_

Building Official [Signature]

Date 9-18-2025

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Revision Date: 12-02-2020

Project Address 1-3 Essex Street

Map(s) / Parcel(s) 129 / 27&28

**NET OPEN AREA (NOA)**

Lot area = A

**EXISTING**

**PROPOSED**

6800

6800

**Area of features**

footprint of accessory building(s)

64

0

footprint of building

1978

3194

footprint of deck(s), porch(es), step(s), bulkhead(s)

130

208

number of required parking spaces 12 / 20 x (9' x 18' per space)

1944

3240

area of pond(s), or tidal area(s) below MHW

0

0

other areas (explain) \_\_\_\_\_

0

0

Sum of features = B

4116

6642

Net Open Area (NOA) = (A - B)

2684

158

**GROSS FLOOR AREA (GFA)**

accessory structure(s)

62

0

basement or cellar (area >5' in height)

846

846

1st floor (12' or less in height) NOTE: [for heights exceeding

1978

3194

2nd floor (12' or less in height) 12' see definition

1741

2957

3rd floor (12' or less in height) of STORY §200-7]

1410

2625

4th floor (12' or less in height)

0

0

attic (area >5' in height)

0

0

area under deck (if >5' in height)

26

26

roofed porch(es)

18

144

Gross Floor Area (GFA) = sum of the above areas

6081

9792

**Proposed total change in GFA** = (proposed GFA - existing GFA) = 3711

**Percent change in GFA** = (proposed total change in GFA ÷ existing GFA) x 100 = 61.03 %

**Existing Open Area Ratio** = (existing NOA ÷ existing GFA) = 0.44

**Proposed Open Area Ratio** = (proposed NOA ÷ proposed GFA) = 0.02

This worksheet applies 1. plan by/dated \_\_\_\_\_

to the following plan(s): 2. plan by/dated \_\_\_\_\_

3. plan by/dated \_\_\_\_\_

Building Official \_\_\_\_\_

Date 9-18-2025

✓

**PROJECT NARATIVE**  
**1-3 ESSEX STREET, MIXED USE EXPANSION**  
**COMBINATION COMMERCIAL & RESIDENTIAL USE**  
**AND PARKING LOT**  
**MARBLEHEAD ZONING BOARD**  
**OCTOBER MEETING**

**To the Board,**

**Project Narrative:**

Your petitioner acquired the four lots known as 1 and 3 Essex Street which contained a three story structure with two commercial units on the first floor, two residential units on the second floor and one residential unit on the third floor on the property identified as 1 Essex Street and a small shed and parking for 7 automobiles on what is known as 3 Essex Street as the useable area is limited by the steeply rising ledge of 25 +/- feet on the rear of the property at 3 Essex Street. All of the petitioner's property of four lots consists of 6,800 square feet in area, and is located in the B1 Zoning District which allows for mixed use of commercial on the street level and residential on the two floors above, although requiring lot area of 10,000 sq. ft. or 4,000 sq. ft. per dwelling unit whichever is greater, making the existing structure a grandfathered non-conforming use as it was built around 1900.

The legal concept of merger applies to the four lots making up the petitioner's property as the lots are held in common ownership and a review of the Assessor's maps reveal that in the general area surrounding the petitioner's property shows, but for the National Grand Bank Parking Lot the lots are significantly less than 10,000 sq. ft. in general.

Accordingly, the present structure on the property has an Existing Open Area Ratio of less than 1 with a .44 which will be reduced to .02 and will therefore require relief by Special Permit from this Dimensional Requirement.

Your petitioner has received approval from the Design Review Board of its proposal for an addition to the present structure consisting of two commercial spaces on the street level

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with two residential units on the second floor and one residential unit on the third floor on the land that makes up what is known as 3 Essex Street by removing the shed and having 6 Parking spaces off street and by adding sidewalk area to Essex Street along the front of the addition and will create three additional on-street spaces which are much needed in the area.

The parties intend to provide landscaping with native species as appropriate and as shown in general on the Plans submitted. The proposed addition exceeds the limitation set forth in the Bylaw of a greater than 10% expansion of a Non-Conforming Building (Sec. 200-30D.).

#### **Proposed Conditions:**

The existing mixed-use structure will remain the same with the exception of the deck and stairs for the entrances on the side will be removed and rebuilt as part of the new addition to provide access to the residential units and two of the commercial units with an open deck at the second floor level.

The building height will be increased from 35.2 feet to 35.6 feet but with the slope of the lot to the east (the direction of movement of the existing structure) the effect on height is negligible. The applicable height restriction is 35 feet.

The proposed exterior materials, building components and construction details will match those of the existing home as shown on the plan submitted for this structure built in about 1900 with the addition and renovations have been designed to harmonize with the existing buildings architectural style and the architectural fabric present in the neighborhood. The favorable action of the Design Review Board, a copy of which has been submitted to the Board supports our position.

We require a Site Plan Special Permit from the Planning Board and are to appear before them as we have submitted our plans and are awaiting a hearing on our Request for the granting under **Section 200-30 D. (1.)** of relief.

#### **Relief Requests;**

**In the B1 District:** New construction of over 500 Square Feet of Gross Floor Area for a non-conforming structure requires the granting of a Special Permit under Section 200-30D, and may include conditions as set out in the By-law.

The petitioner requires a Special Permit for Dimensional relief under Section 200-37 for height of the Structure and the reduction in the Open Area Ratio. Further, as the lot is an undersized lot relief from the requirement of 4,000 sq.ft. of area per dwelling unit requires Dimensional relief.

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The petitioner further requires relief from the parking requirements of the By-law for two parking spaces for every Dwelling unit and two for every Commercial unit which would require 20 spaces, where we will have 6 with a request from the Design Review Board request to reduce the width by 6 inches to 8' 6" by 18'. However, we will be constructing the sidewalk on Essex Street in front of the Addition that will increase the on-street parking by 3 spaces going to 4 from the present one. Presently, the parking requirement of 10 is greater than what is available which is at most 8 on what is known as 3 Essex Street

We believe the plans submitted for the project have addressed in a positive way The general purpose and intent of the bylaw; the technical requirements of Section 200-38 for a Site Plan Special Permit ; the extent to which the architectural and design features are in harmony with the prevailing character and scale of the buildings in the neighborhood and town; consideration of building materials, breaks in roof and wall lines, adequate light, air circulation; The character of the site is preserved; vehicular and pedestrian movement within the site are convenient and safe; external emissions from the site are minimized; the adverse effects on abutting lots in the immediate neighborhood and the Town are minimized.

We believe that the plans submitted for the project have addressed in a positive way all the standards to be considered under Sections 200-30D, 200-37 and 200-18 and support the granting of all required Special Permits under the By-law as well as any other relief the Board deems necessary including any Variance.

The Board may impose any conditions deemed necessary to achieve the purposes of the By-law in the granting of the Special Permit or any such other relief the Board deems to be appropriate.

Respectfully submitted,



Chris Drucas,  
Attorney For Petitioner

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