

From the desk of
PAUL G. FERMANO

17 Prince Street
Marblehead, MA 01945
978-764-3404

December 19, 2025

Zoning Board Appeals
Widger Road
Marblehead, MA 01945

ROUSSEAU COTTAGE RENOVATION

46 Cloutman's Lane, Assessor's Map: 179 / Parcel #'s: 15 & 16

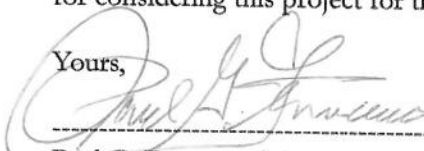
It is my honor to offer this potential project for approval by the Board. It is a simple 32'x12' one story addition to the family's home on a newly combined lot at this address. The design exposes the West side of the new foundation for 2 garage doors in the Basement. It is somewhat complicated by restrictions caused by existing setback non-conformances on the North and East sides of the house, but also restrictions found in the deed when the Rousseau's purchased Lot 15.

The setback violation conditions were created by property line changes over the years, prior to the current regulations enactment. The worst existing condition was created in about 1950, when the private lane on the East side, was created to allow for the development of several homes. The more significant restrictions for the design of this addition are found in the deed. As sightlines for water views require that no structures can be erected in the lot being transferred and no hard surfaces can be placed. The vehicle travel and parking is only allowed over grass.

The design presented for your approval therefore, is attached to the NW corner of the existing foundation and runs parallel to the West side of the home for 32' for a new Master Suite to eliminate the need to climb stairs as the owner's age. The results of this placement keeps the water sightlines further expanding views to additional residences, by keeping the addition as far as possible from the street. The design shown makes a slight diminishing additional incursion into the rear setback zone. This occurs to allow the attachment of the addition to the corner of the existing foundation corner. The need to attach at this point is driven by the need to avoid the existing granite ledge discovered when the home owners spent the money to install a full foundation, elimination the exposed wood post supports. The basement floor steps up over the ledge and can be observed at the location indicated on the drawings. The design allows for the reduction of the garage doors to allow for the ledge. The ground surface makes us feel that the ledge runs more northerly outside the existing residence, before turning westerly, paralleling the Cloutman's Lane alignment.

I will be in attendance at the meeting to answer any questions about the design. Thank you for considering this project for the Rousseau's

Yours,



Paul G. Fermano, BArch. - Owner's Representative
17 Prince Street Marblehead, MA 01945
978-764-3404 pfermano@comcast.net

12/19/25

Date



TOWN SEAL
tel: 781-631-1529

fax: 781-631-2617

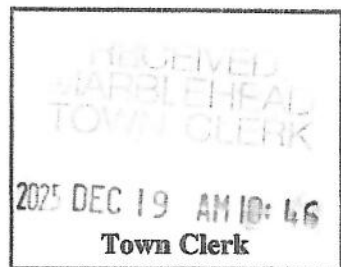
Revision Date: 08-01-2025

Town of Marblehead ZONING BOARD OF APPEALS

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

ZBA APPLICATION

PAGE 1 of 3



Project Address 46 Cloutmans Lane Marblehead MA
Assessor Map(s) 179 Parcel Number(s) 15 and 16

OWNER INFORMATION

Signature [Signature] date 15 Dec 2025
Name (printed) Patrick and Leslie Rousseau
Address 46 Cloutmans Lane Marblehead MA 01945
Phone Numbers: home 203-435-5951 work 203-435-5951
E-mail Patrick.Rousseau@gmail.com fax _____

APPLICANT or REPRESENTATIVE INFORMATION (if different from owner)

Signature [Signature] date 12/19/25
Name (printed) PAUL G. FERMANO
Address 17 PRINCE ST, MARBLEHEAD
Phone Numbers: home 781-631-8428 work 978-764-3404
E-mail pfermano@comcast.net fax _____

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

Adding a 12ft x 32ft first floor bedroom, closet,
and bathroom to enable single floor living.
Existing lot is non-conforming but this addition
does not make the lot any more non-conforming.

- 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] 12-18-2025
2. Town Clerk's stamp (upper right corner)

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

Reviewed by
Building Department
For Zoning Board
Of Appeals

Town of Marblehead
ZBA-APPLICATION
Page 2 of 3

Revision Date: 12-02-2020

Project Address 46 Cloutmans Lane Map(s) / Parcel(s) 179/15 + 16

ZONING DISTRICT (circle all that apply)

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

CURRENT USE (explain) _____

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

Yes X No _____ (explain) _____

PROPOSED CHANGE OF USE

No X 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) East Side
- ☐ 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) East Side
- ☐ 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 _____	No <u>X</u>
Historic District Commission	Yes _____	No <u>X</u>
Planning Board	Yes _____	No <u>X</u>

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

Yes X No _____ (explain) _____

Building Official [Signature]

Date 12-18-2025

Reviewed by
Building Department
For Zoning Board
Of Appeals

Town of Marblehead
ZBA-APPLICATION
Page 3 of 3

Revision Date: 12-02-2020

Project Address 46 Cloutmans Lane

Map(s) / Parcel(s) 179/15 + 16

NET OPEN AREA (NOA)

Lot area = A

EXISTING

PROPOSED

Area of features

footprint of accessory building(s)

footprint of building

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

number of required parking spaces _____ x (9' x 18' per space)

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

other areas (explain) _____

Sum of features = B

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

8377sf

8377sf

-

-

1436.88sf

1776.07sf

623.29sf

588.23sf

386.69sf

1422.28sf

-

-

-

-

2446.17sf

3786.48sf

5930.14sf

4590.32sf

GROSS FLOOR AREA (GFA)

accessory structure(s)

basement or cellar (area > 5' in height)

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

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

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

4th floor (12' or less in height)

attic (area > 5' in height)

area under deck (if > 5' in height)

roofed porch(es)

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

-

-

429.87

813.87

796.35

1180.35

792.99

793.50

-

-

-

-

-

-

569.79

569.79

-

-

2589

3357.51

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

= 768.51

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

= 29.48 %

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

= 2.29

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

= 1.37

This worksheet applies 1. plan by/dated _____

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

3. plan by/dated _____

Building Official [Signature]

Date 12-18-2025

Reviewed by
Building Department
For Zoning Board
Of Appeals

**TOWN OF MARBLEHEAD
PLANNING BOARD
SITE PLAN SPECIAL PERMIT APPROVAL DECISION**

Project Address: 46 Cloutmans Lane Marblehead, MA 01945

Applicant: Patrick and Leslie Rousseau

Date: December 10, 2025

Town Assessor Map Number: Map 179, Lot 16

On December 9, 2025, the Marblehead Planning Board opened a hearing on an Application for a Site Plan Special Permit pursuant to Section 200-38 of the Marblehead Zoning Bylaw wherein the Applicant requested approval for the issuance of a site plan approval special permit for work located at 46 Cloutmans Lane in a Shoreline Single Residence District.

Members of the Board in attendance:

Robert J. Schaeffner | Chair
Edward O. Nilsson | Member
Andrew Christensen | Member
Barton Hyte | Member
Marc J. Liebman | Member

The public hearing was opened on December 9, 2025 and had been advertised and duly posted at the office of the Town Clerk. Abutters to abutters within 300 feet of the property were duly notified. At this meeting of the Planning Board held in person at Abbot Hall, 188 Washington Street, Marblehead, MA, in the Select Board Meeting Room, and online via remote participation, the Board voted to approve the Application as complying with the requirements for the issuance of a Special Permit subject to the conditions listed in this Decision (5-0), Schaeffner, Nilsson, Christensen, Hyte, and Liebman in favor.

The Applicant's representative explained the application as follows:

46 Cloutmans Lane is a Single-Family Residence located in the Shoreline Single Residence District. The Lot is non-conforming and the existing structure on the Lot has less than required Rear and Side Yard Setbacks. The Applicant proposes a new driveway and attached addition to the existing structure that will encroach into the Rear and Side Yard Setbacks. The proposed addition will result in a total increase of 745.70 Sq/Ft in gross floor area. The Applicants will be required to appear before the Zoning Board of Appeals for dimensional relief.

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

Thereafter, upon motion duly made and seconded, the Board voted to close the public hearing.

The Board collectively considered the abutter at 45 Cloutmans Lane's letter sent to the Board regarding a view easement on what was formerly called #44 Cloutmans Lane before it was combined with 46 Cloutmans Lane. It was determined the proposed work would not be in violation of the said easement.

The Planning Board reviewed the plans and other submission material. Throughout its deliberations, the Planning Board considered the statements of the Applicant, abutters, and their representatives.

I. Findings

1. The subject property is located at 46 Cloutmans Lane and consists of +/- 8,377 square feet of land.
2. The Lot has less than required Lot Area and Frontage.
3. Existing building encroaches into the Rear and Side Yard Setbacks.
4. The subject property is located in the Shoreline Single Residence District.

II. Specific Findings

The proposed construction includes the following:

- Construction of a new 745 Sq/Ft addition to the existing Single-Family Dwelling
- Construction of a new Driveway that directly abuts the newly proposed addition

The Applicant will be required to obtain a Special Permit from the Zoning Board of Appeals.

III. Special Permit Criteria

The Planning Board made its decision regarding the requested Special Permit for Site Plan Approval after considering each of the criteria set forth in Section 200-38 C of the Town of Marblehead Zoning By-law as follows:

The plans and proposed construction meet the criteria of the Planning Board for Site Plan Approval as follows:

- (a) **The architectural and design features are in harmony with the prevailing character and scale of the buildings in the neighborhood and Town (such as but not limited to:**

building materials, screening, breaks in roof and wall lines, adequate light, air, circulation and separation between buildings).

- The proposed additions will maintain a consistent scale with the existing structure, neighborhood and Town.
- (b) The character of the site is preserved (such as but not limited to: protection of historical and natural resources and existing terrain, minimization of grade changes, tree and soil removal).**
- The general character of the site will be preserved.
 - The grade changes will be minimal, and the general character of the site as it presently exists will remain.
- (c) Vehicular and pedestrian movement within the site are convenient and safe (such as but not limited to: traffic patterns, circulation, location of driveway openings, parking, loading, access by emergency vehicles, and visibility of and identity of street address numbers).**
- There are no additional traffic patterns on the property presently or after construction.
 - There will be no impact to the ability of emergency vehicles to access the property as presently exists.
 - Street address numbers will remain visible and identifiable.
- (d) External emissions from the site are minimized or eliminated (such as but not limited to: erosion, surface water runoff, pollution, sewage, disposal of refuse, odors, noise, glare, light and any other environmental impacts).**
- As a residential property, external emissions are not a concern.
- (e) The adverse effects on abutting lots, the immediate neighborhood and the Town of Marblehead are minimized including (such as but not limited to: conflicts between residential, commercial and industrial uses, obstructions of views, increases in use of Town services and impact on Town infrastructure).**
- The proposed construction will have minimal impact, if any, on Town services or infrastructure.
 - Residential use is permitted by right in the district and will remain unchanged.
 - The proposed construction is designed to have minimal impact on the existing primary view corridors.

IV. Specific Conditions of Decision

As specified in Section 200-38, Conditions for Special Permit for Site Plan Approval, the Planning Board grants this Site Plan Approval Special Permit in accordance with the following conditions:

Subject to the Conditions contained herein, the Project shall be substantially constructed in accordance with the Record Plans, as listed below. Any proposed change to the Project, whether major or minor, shall be submitted to the Planning Board for approval.

RECORD PLANS

A Survey entitled "PLAN OF LAND, 46 CLOUTMANS LANE, MARBLEHEAD, PREPARED FOR PATRICK ROUSSEAU" having a scale 1" = 20', dated September 24, 2025, drawn by Merrimack Engineering Services, 66 Park Street, Andover, MA 01810.

Architectural Plans drawn by Architect Paul G. Fermano, 17 Prince Street, Marblehead, MA 01945, dated September 20, 2025, consisting of:

1	Cover Sheet
EXL1	Existing Condition Site Plan
L1	Proposed Design Site Plan
EX1	Existing Condition Basement Plan w/Demolition Notes
A1	Proposed Basement Plan
EX2	Existing Condition 1 st Floor Plan w/ Demolition Notes
A2	Proposed First Floor Plan
EX3	Existing Condition Second Floor Plan w/ Demolition Notes
A3	Proposed Second Floor Plan
EX4	Existing Condition Front(s) Elevation w/ Demolition Notes
A4	Proposed Front Elevation
EX5	Existing Condition Left (w) Side Elevation w/ Demolition Notes
A5	Proposed Left Side Elevation
EX6	Existing Condition Rear Elevation w/ Demolition Notes
A6	Proposed Rear Elevation
EX7	Existing Condition Right Side Elevation w/ Demolition Notes
A7	Proposed Right Side Elevation

1. **Construction Practices - all construction shall be carried out in accordance with the following conditions:**
 - a. No work shall commence before 7:00 AM. No work shall be conducted after 5:00 PM. Commencement of work includes the start of machinery including trucks. No work shall be conducted on Sundays or holidays. No work shall commence before 8:00 AM on Saturdays. Inside work of a quiet nature may be permitted at other times.
 - b. All reasonable action shall be taken to minimize negative effects of construction on abutters.
 - c. All construction vehicles shall be cleaned prior to leaving the site so that they do not leave dirt or debris on roadways as they leave the site.
 - d. Clean up all dirt and debris deposited on public ways and damage by vehicles leaving the site shall be the responsibility of the Applicant, their successors or assigns. This

- shall include street sweeping.
- e. Construction vehicles will park on site as much as practical.
2. **Zoning Board of Appeals - this decision is subject to the approval of the Town of Marblehead Zoning Board of Appeals and Conservation Commission.**
 3. **Violations:**
 - a. Violation of any Conditions may result in revocation of this permit by the Planning Board.
 - b. Violation of any condition under this Permit may result in the issuance of a cease-and-desist order by the Building Commissioner or the Police Department.
 - c. This Special Permit shall not take effect until a copy of this Decision 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 no appeal has been filed or that if such appeal has been filed, that is has been dismissed or denied, is recorded in the Southern Essex Registry of Deeds and is indexed in the grantor index under the name of the owner of record and noted on the owner's Certificate of Title. The fee for recording or registering shall be paid by the owner Applicant.
 4. This Special Permit for Site Plan Approval is contingent upon the condition that any work done, that is permitted under this special permit, does not violate any easement(s) on 46 Cloutmans Lane. This condition is perpetual and any modification and/or change to this condition must be brought back before the Planning Board.

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

Robert J. Schaeffner Chair	-	Yes
Edward O. Nilsson Member	-	Yes
Andrew Christensen Member	-	Yes
Barton Hyte Member	-	Yes
Marc J. Liebman Member	-	Yes

Marblehead Planning Board


By: Robert J. Schaeffner, Chair