



TOWN SEAL
tel: 781-631-1529

fax: 781-631-2617
Revision Date: 12-02-20

Town of Marblehead
ZONING BOARD OF APPEALS

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

RECEIVED
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Town Clerk

ZBA APPLICATION

PAGE 1 of 3

Project Address 6 Woodfin Terrace, Marblehead, MA
Assessor Map(s) 160 Parcel Number(s) 8

OWNER INFORMATION

Signature [Signature] date 1/30/26

Name (printed) Jeffrey B. Whitmore & Jenifer T. Whitmore, Trustees of the 6 Woodfin Realty Trus

Address 6 Woodfin Terrace, Marblehead, MA

Phone Numbers: home 781-953-8750 work 781-631-8818

E-mail jeff@whitmorebrothers.com fax _____

APPLICANT or REPRESENTATIVE INFORMATION (if different from owner)

Signature [Signature] date 2/1/26

Name (printed) Shawn M. McCormack, Esq. and Courtney A. Simmons, Esq

Address Davis Malm, One Boston Place, 37th Floor, Boston, MA 02106

Phone Numbers: home _____ work 617-589-3895

E-mail smccormack@davismalm.com fax _____

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

See attached Narrative.

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 Community Development & Planning Office:
 - o the signed and stamped application (3 pages);
 - o current survey plan (not older than 90 days) as prepared by a Registered Professional Land Surveyor;
 - o the project design plans as required;
 - o 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] 2-2-2026

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

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

Town of Marblehead
ZBA-APPLICATION

Revision Date: 12-02-2020

Page 2 of 3

Project Address 6 Woodfin Terrace Map(s) / Parcel(s) 160/8

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 x

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)
- x 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)
- x Side Yard Setback - Less than required (Table 2)
- _____ 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)

- _____ 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)
- x Side Yard Setback - Less than required (Table 2)
- _____ 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

ADDITIONAL HEARINGS REQUIRED

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

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For Zoning Board
Of Appeals

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

Yes x No _____ (explain) _____

Building Official [Signature] Date 2-2-2026

Town of Marblehead
ZBA-APPLICATION
 Page 3 of 3

Revision Date: 12-02-2020

Project Address 6 Woodfin Terrace **Map(s) / Parcel(s)** 160/8

<u>NET OPEN AREA (NOA)</u>	<u>EXISTING</u>	<u>PROPOSED</u>
Lot area = A	<u>15043</u>	<u>15043</u>
Area of features		
footprint of accessory building(s)	<u>0</u>	<u>0</u>
footprint of building	<u>6299</u>	<u>6299</u>
footprint of deck(s), porch(es), step(s), bulkhead(s)	<u>0</u>	<u>0</u>
number of required parking spaces <u>35/40</u> x (9' x 18' per space)	<u>5670</u>	<u>6480</u>
area of pond(s), or tidal area(s) below MHW	<u>0</u>	<u>0</u>
other areas (explain) _____	<u>0</u>	<u>0</u>
Sum of features = B	<u>11969</u>	<u>12779</u>
Net Open Area (NOA) = (A - B)	<u>3074</u>	<u>2264</u>

GROSS FLOOR AREA (GFA)

accessory structure(s)	<u>0</u>	<u>0</u>
basement or cellar (area >5' in height)	<u>0</u>	<u>0</u>
1st floor (12' or less in height) NOTE: [for heights exceeding	<u>6299</u>	<u>6299</u>
2nd floor (12' or less in height) 12' see definition	<u>4150</u>	<u>5477</u>
3rd floor (12' or less in height) of STORY §200-7]	<u>0</u>	<u>0</u>
4th floor (12' or less in height)	<u>0</u>	<u>0</u>
attic (area >5' in height)	<u>0</u>	<u>0</u>
area under deck (if >5' in height)	<u>0</u>	<u>0</u>
roofed porch(es)	<u>0</u>	<u>0</u>
Gross Floor Area (GFA) = sum of the above areas	<u>10449</u>	<u>11776</u>

Proposed total change in GFA = (proposed GFA - existing GFA) = 1327

Percent change in GFA = (proposed total change in GFA ÷ existing GFA) x 100 = 12.70 %

Existing Open Area Ratio = (existing NOA ÷ existing GFA) = 0.29

Proposed Open Area Ratio = (proposed NOA ÷ proposed GFA) = 0.19

This worksheet applies 1. plan by/dated Tucker Architecture, January 16, 2026
to the following plan(s): 2. plan by/dated North Shore Survey, January 17 2026
3. plan by/dated _____

Building Official  **Date** 2-2-2026

SPECIAL PERMIT APPLICATION NARRATIVE

6 Woodfin Terrace

Marblehead, MA

**Applicant/Record Owner: Jeffrey B. Whitmore & Jenifer T. Whitmore,
Trustees of the 6 Woodfin Realty Trust**

Date: January 28, 2026

SUMMARY OF PROPOSED PROJECT

Jeffrey B. Whitmore & Jenifer T. Whitmore, Trustees of the 6 Woodfin Realty Trust (the “Applicant”), requests special permits for a second-floor addition to an existing non-conforming building, and to alter the open area ratio and parking requirements under the Marblehead Zoning Bylaw (the “Bylaw”). See Exhibit A, Zoning Board of Appeals Plan for Second-Story Addition.

Because the lot frontage of the Property (12 feet) does not meet the current requirement of 35 feet and the side yard setback (3 feet) and rear yard setback (4 feet) from the existing building do not conform to the current requirements of 6 feet and 8 feet, respectively, the building is a lawful pre-existing non-conforming structure on a non-conforming lot.

The Applicant seeks to add a second-floor addition within the footprint of the existing building on the Property. The height of the addition will be in line with the existing roofline, which does not exceed the maximum height under the Bylaw. See Exhibit B, Architectural plans for the second-floor addition. The second-floor addition will increase the square footage of the existing building by 1,327 square feet, resulting in a 12.7% change in the gross floor area. The addition will also result in a reduction in the ratio of open area to gross floor area from 0.29 to 0.19. Finally, because the Property is currently non-conforming as to required parking, Applicant seeks relief either under the Bylaw or a “finding” under G.L. c. 40A, § 6, that the slight increase in the parking nonconformity is not substantially more detrimental to the neighborhood.

For the reasons set forth below, the Applicant respectfully requests that the Zoning Board of Appeals grant the special permits for a change to an existing non-conforming building, and for the alteration of the open area ratio and parking requirements of the Bylaw.

BACKGROUND AND HISTORY OF PROPERTY

The Property is located in the Unrestricted (U) Zoning District. The property contains approximately 15,043 square feet (0.345 acres). The Property is a non-conforming lot as it pertains to frontage (12 feet rather than 35 feet), open space (0.29 rather than 1.00), and parking (40 required and 17 provided). It is improved with a one-story building that is non-conforming as to side yard setback (3 feet rather than 6 feet) and rear yard setback (4 feet rather than 8 feet).

The original building, above which the second-story addition is proposed, was only about 1,300sf and was built in or around 1965. In or around 1985, after the Applicant purchased the Property, a 5,000sf addition was added to the building, increasing the footprint of the building to approximately 6,300sf. The Applicant currently uses the original section of the building and a

portion of the addition (approximately 2,577 sf) as a shop and storage space for Whitmore Brothers Construction Co., a construction business. The remaining first floor of the building (approximately 3,750 sf) is rented by an auto detailing company. These are allowed uses of the Property in the Unrestricted Zoning District. The Property abuts the Town of Marblehead Transfer Station and several other auto repair facilities. Being constructed of cinder block, the building is consistent with other buildings in the neighborhood. See Exhibit C, aerial photograph of Property.

On or about July 27, 2006, the Applicant applied for and obtained a special permit (with conditions) from the Marblehead Zoning Board for a 3,762 sf second-floor addition to the existing building substantially similar in height and at a greater scale than the second-floor addition the Applicant now proposes to construct (only 1,327 sf). A true and accurate copy of the 2006 plans are attached as Exhibit D and the decision of the Zoning Board is attached hereto as Exhibit E. The Applicant sought to construct the second-floor addition due to growth in the business of Whitmore Brothers Construction Co. and the need for additional storage space.

The 2006 special permit decision allowed the construction of a 3,762 sf second-story addition within the required side yard and rear yard setback, further reduction in open space, parking and exceeded allowed expansion limits for a nonconforming building. While initially extended for a year, that special permit lapsed. The Applicants were not able to commence construction at the Property due to the demands of the construction business, which has continued to grow significantly in the years since.

PROPOSED PROJECT

The Applicant continues to need the added space that a second-story addition would provide. The Applicant now desires to construct a 1,327 square foot addition above the existing shop and storage area utilized by Whitmore Brothers Construction Co. to be used for additional storage for the company. The increased square footage on the new second floor will result in a 12.7% change in the gross floor area. The addition will also result in a reduction in the open area ratio from 0.29 to 0.19. There are currently 17 parking spaces at the Property that shall remain when the addition is constructed.

Pursuant to § 200-30D(1) of the Bylaw, “A special permit shall be required where the use is an allowed use, and where the alteration, reconstruction, extension, new construction or structural change of a nonconforming building would: (a) Increase the gross floor area by more than 10%.” Additionally, pursuant to the dimensional requirements in § 200-15 and Table 2 of Bylaw, in the Unrestricted Zoning District there is an open space ratio requirement of one square foot of open land area (in addition to parking areas) for each one square foot of gross floor area.¹ Moreover, § 200-17 of the Bylaw now requires the Applicant provide at 40 parking spaces—one parking space for each 300 square feet of gross floor area. Therefore, the Applicant applies for a special permit

¹ Under § 200-7 of the Bylaw, the number of stories of a structure are used in calculating gross floor area. The definition of “story” includes additional height over 12 feet where the ceiling is vaulted, as it is here. Specifically, the definition of “Story” states: “In a cathedral-type ceiling, 12 feet of height will be counted as the first story. Any distance beyond 12 feet but not to exceed 24 feet is calculated as the second story. This method of calculation will be replicated for each 12 feet or portions thereof.” Based on this definition, even though the existing structure has no second floor, in calculating gross floor area, the floor area above 12 feet from the first floor is considered the second story.

for relief under § 200-30D(1) of the Bylaw for the increase in gross floor area, and special permits under § 200-37 from compliance with the open space area ratio and parking space requirements of the Bylaw.

SPECIAL PERMIT CRITERIA

Under Bylaw § 200-36, the Zoning Board of Appeals (the “ZBA”) is empowered to grant special permits “upon its written determination that the adverse effects of the proposed use will not outweigh its beneficial impacts to the Town or the neighborhood, in view of the particular characteristics of the site, and of the proposal in relation to that site.” In addition, the determination shall include consideration of each of the following:

- (1) The general purpose and intent of this Bylaw, and whether
- (2) The specific site is an appropriate location for such use or building; and
- (3) The use as developed will not adversely affect the neighborhood; and
- (4) There will be no nuisance or serious hazard to vehicles or pedestrians;
- (5) Adequate and appropriate facilities will be provided for the proper operation of the proposed use.

As set forth below, the proposed project satisfies the special permit criteria set forth in the Bylaw and the ZBA should grant the requested special permits.

The General Purpose and Intent of the Bylaw is Satisfied

Granting special permits for new construction to pre-existing nonconforming structures, and the alteration of dimensional and parking requirements under the Bylaw, does not derogate from the intent or purpose of the Bylaw. The Bylaw expressly provides that the ZBA is entitled to grant such relief to nonconforming buildings that do not currently conform to the requirements of the Bylaw but conformed to the applicable regulations when the building was initially established. The Bylaw encourages new construction and alterations of pre-existing nonconforming buildings to be made so as to allow for their lawful continued use. Here, the requested special permits will authorize a minor increase to the gross floor area for additional storage space above the construction business’ shop and storage area that will promote the continued use of the Property.

The Specific Site is an Appropriate Location for Such Use or Building

The Property is currently used partially for shop and storage space for Whitmore Brothers Construction Co. and, in part, rented out to an auto detailing business and will continue to be used in that way. These are allowed uses in the Unrestricted Zoning District. The Property is also surrounded by other auto repair facilities and abuts the Town of Marblehead Transfer Station. As such, the site continues to be an appropriate location for the building and its use.

The Use as Developed Will Not Adversely Affect the Neighborhood

The proposed second-floor addition will not have any adverse effects on the neighborhood or the Town. The proposed addition will not change the impact on Town services or infrastructure. The

Property will continue to be used as a shop and for storage for Whitmore Brothers Construction Co. and for an auto detailing business. These uses are compatible with other uses in the neighborhood and the Unrestricted Zoning District in general.

There Will Be No Nuisance or Serious Hazard to Vehicles or Pedestrians

The second-floor addition will not create a nuisance or serious hazard to vehicles or pedestrians. The addition will create more storage space to be used by the established construction business. There will be no noise, vibration, dust, smoke, fumes, odor, glare or other nuisance or serious hazard caused by the second-floor addition. Also, the Property has a pre-existing paved parking area with 17 parking spaces. The small addition to the second floor of the building for storage purposes will not generate any more vehicular traffic to the Property that would create a need for additional parking. The use of the Property also does not generate much, if any, pedestrian traffic.

Adequate and Appropriate Facilities Will Be Provided for the Proper Operation of the Proposed Use

The effect on Town utilities and other public services will be roughly the same to the effect that the existing building has. The second-floor addition will only create additional storage space, it will not need a greater influx of water, electricity or sewage than the current building.

Respectfully submitted,

**Jeffrey B. Whitmore & Jenifer T.
Whitmore, Trustees of the 6 Woodfin
Realty Trust**
By their attorneys,

/s/ Courtney Simmons

Shawn M. McCormack (BBO#673668)
smccormack@davismalm.com
Courtney A. Simmons (BBO#694861)
csimmons@davismalm.com
Davis, Malm & D'Agostine, P.C.
One Boston Place, 37th Floor
Boston, MA 02108
617-367-2500

EXHIBIT A

EXHIBIT B



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 www.TuckerArch.com
 (781) 631-3546
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DATE: 01/16/2018
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- Drawing Index:**
- CVR Cover
 - X2 Existing Foundation Plan
 - X3 Existing First Floor Plan
 - 4 Proposed Second Floor Plan
 - X5 Existing Roof Plan
 - 5 Proposed Roof Plan
 - 6 Existing & Proposed Front Building Elevations
 - 7 Existing & Proposed Side Building Elevations
 - 8 Existing & Proposed Side Building Elevations
 - 9 Existing & Proposed Rear Building Elevations

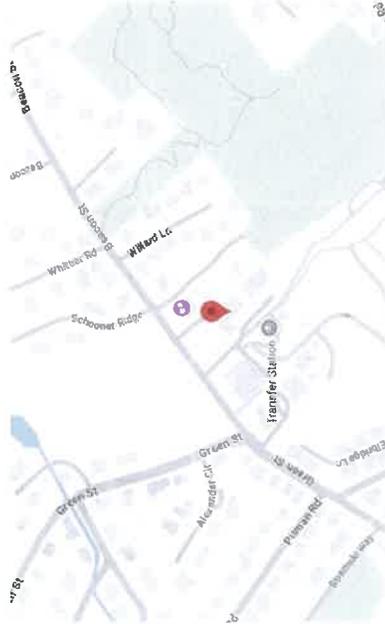
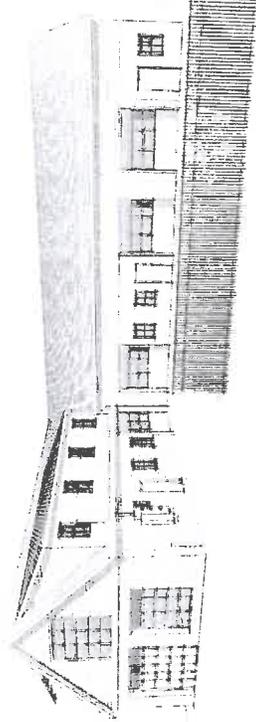
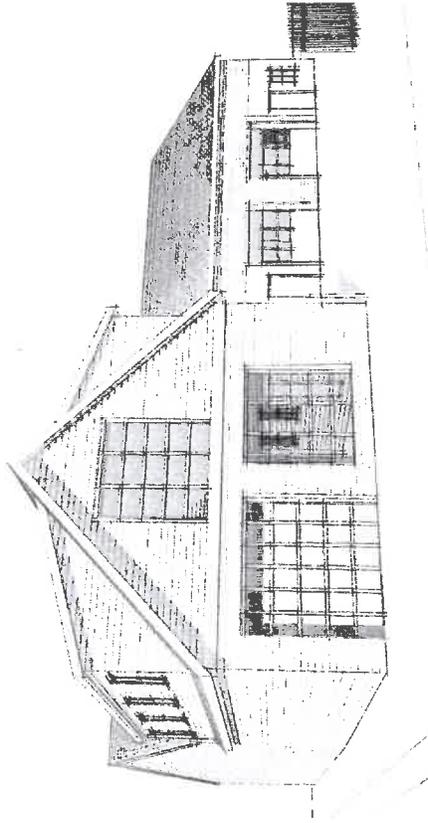
SCHEMATIC
 2023.01.16 FOR APPROVALS

NOTE: Not for Construction unless otherwise stamped by Architect.

6 Woodfin Terrace
 Marblehead, MA

Cover

NOTE: ORIGINAL DRAWING SET TO SCALE 1/4"=1'-0"
 CVR



Project Locus

DO NOT SCALE - GC TO VERIFY ALL DIMENSIONS. NOTIFY ARCHITECT OF ANY DISCREPANCY



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Note: These Existing Conditions Drawings represent a reliable depiction of conditions in the field. These are not an exhaustive documentation of field conditions in the field. We do not guarantee 100% accuracy. All aspects of these drawings should be verified by the contractor in the field. The contractor is responsible for any in-field coordination with the contractor. These drawings are intended for planning purposes only.

- PLAN WALL LEGEND**
- Proposed Slab Walls
 - Existing Walls to Remain
 - Existing Walls to be Retained
 - Proposed Concrete Walls
- Breaks of Slabs in Elevation

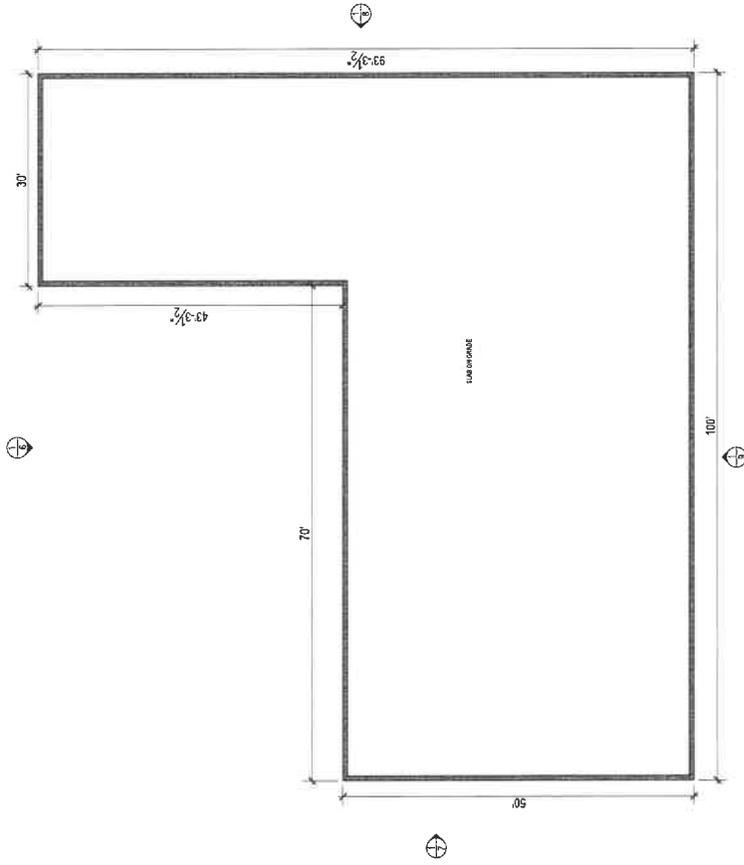
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6 Woodfin Terrace
 Marblehead, MA

Existing Conditions
 Foundation Plan

NOTE: ORIGINAL DRAWING SET TO FOUR FULL SCALE | PAGE NO. | X2



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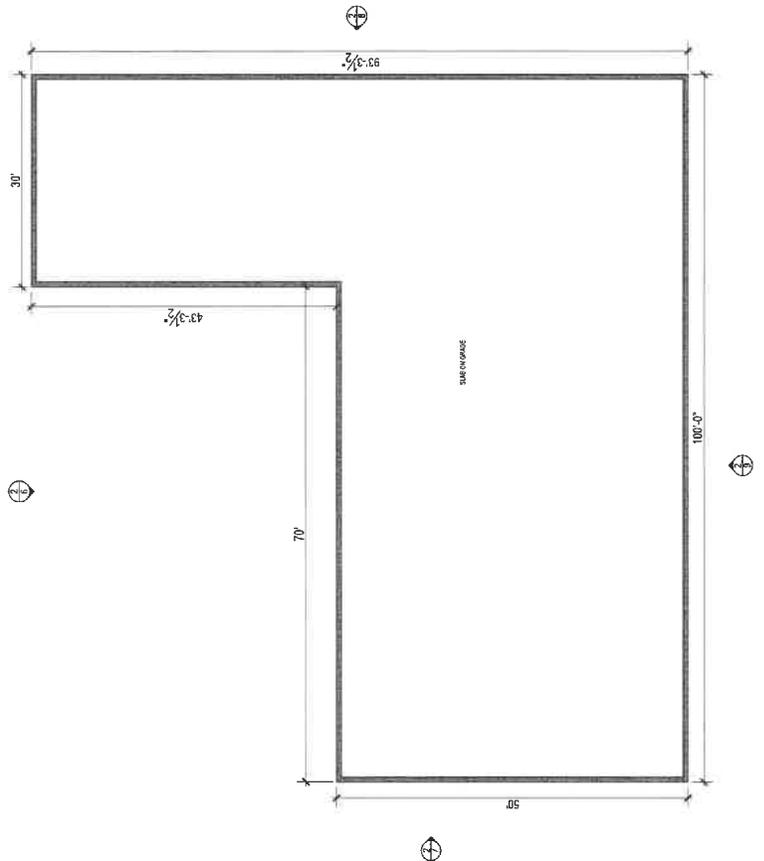
- PAVING LEGEND
- Proposed Strip Walk
- Existing Walk to Remain
- Existing Walk to be Removed
- Proposed Concrete Walk
- Point of Egress to Exterior

REVISIONS
 2026 01 16 FOR APPROVALS

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6 Woodfin Terrace
 Marblehead, MA
 Proposed
 Foundation Plan

NOTE: ORIGINAL DRAWING SET TO OTHER FULL SCALE | PAGE NO. 2



1 Basement Floor Plan
 Scale: 1/8" = 1'-0"

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- PLAN WALL LEGEND
- ▬ Proposed Steel Walls
 - ▬ Existing Walls in Person
 - ▬ Existing Walls to be Retained
 - ▬ Proposed concrete walls
- Point of Egress to Exterior

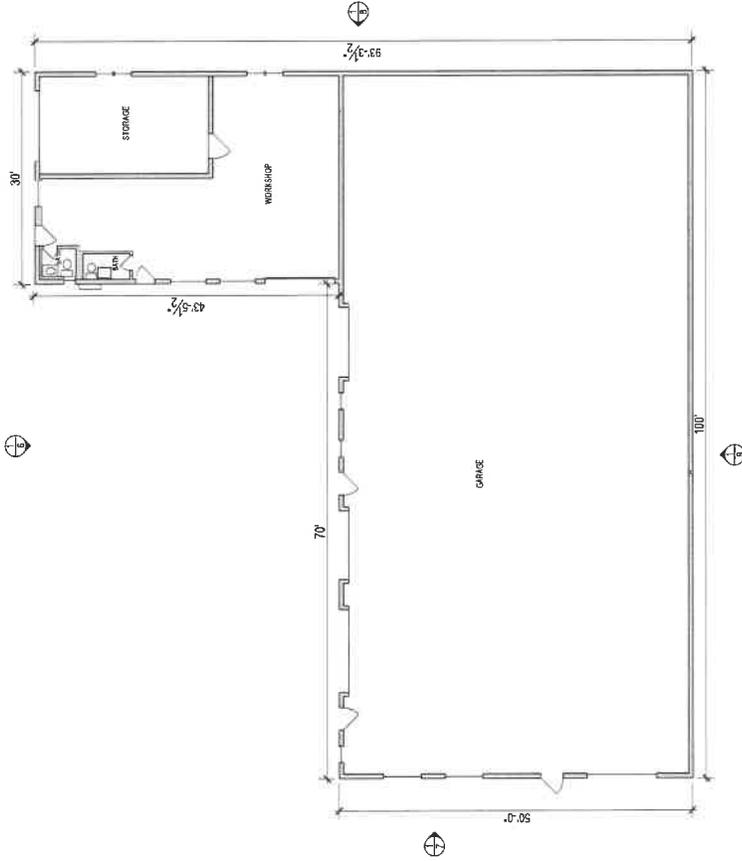
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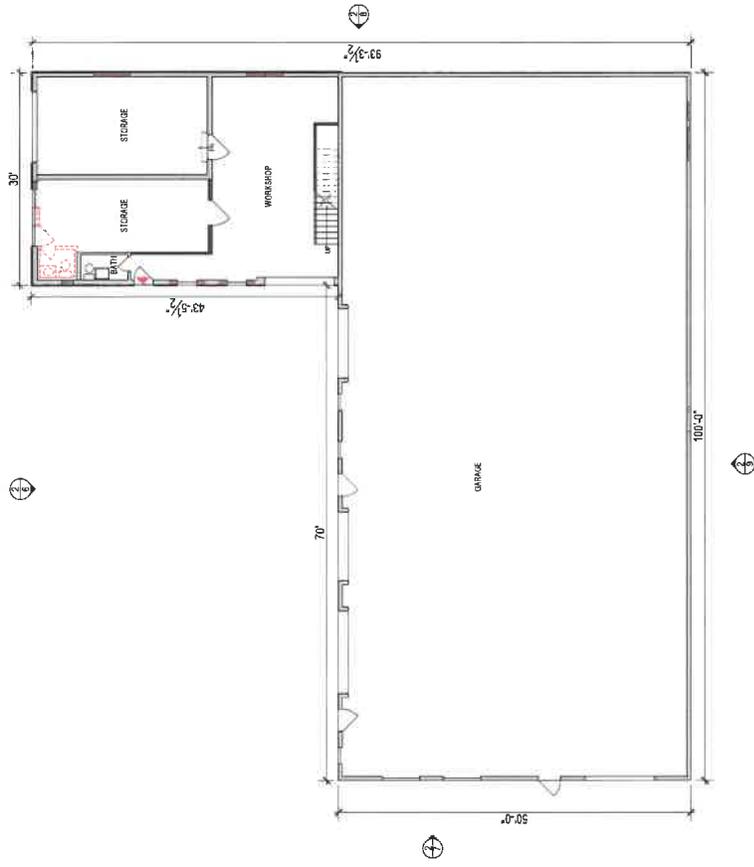
6 Woodfin Terrace
 Marblehead, MA

Existing Conditions
 First Floor Plan

NOTE: ORIGINAL DRAWING SET IS 1/8" = 1'-0" FULL SCALE | PAGE NO. X3



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PLAN WALL LEGEND

- Proposed Slab Walls
- Existing Walls to Remain
- Existing Walls to Be Removed
- Proposed Concrete Walls

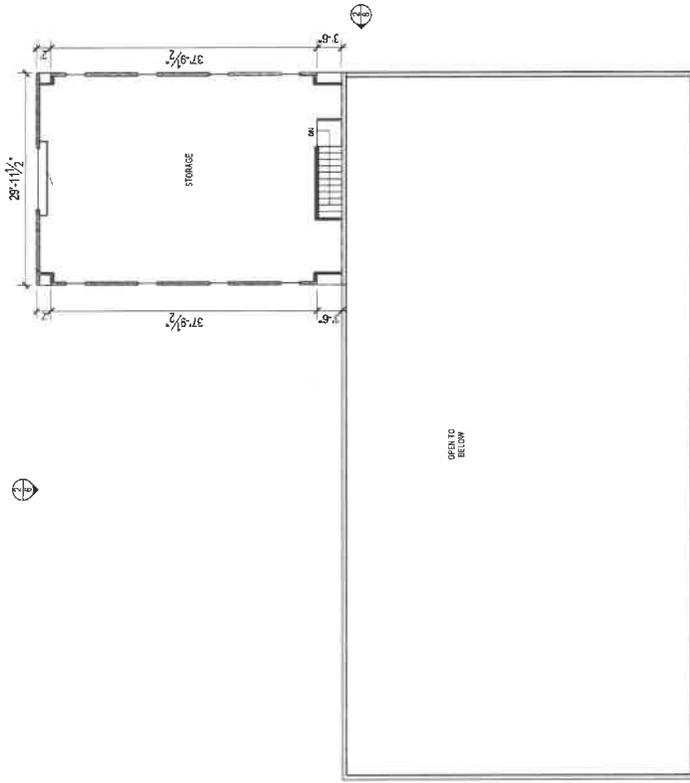
Point of Egress to Exterior

REVISION DATE:
 2/28/2018 FOR APPROVALS

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6 Woodfin Terrace
 Marblehead, MA
 Proposed
 Second Floor Plan

NOTE: ORIGINAL DRAWING SET TO MATCH FULL SCALE | PAGE NO. 4



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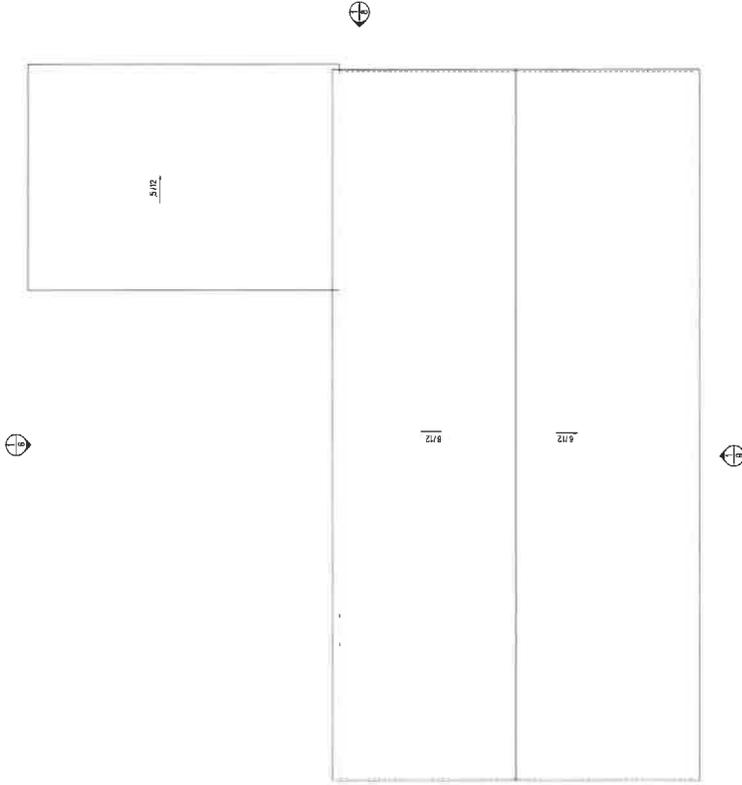
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6 Woodfin Terrace
 Marblehead, MA
**Existing Conditions
 Roof Plan**

NOTE ORIGINAL DRAWING (1) TO EACH FULL SCALE REF. NO.
 X5



DO NOT SCALE - GO TO VERIFY ALL DIMENSIONS. NOTIFY ARCHITECT OF ANY DISCREPANCY



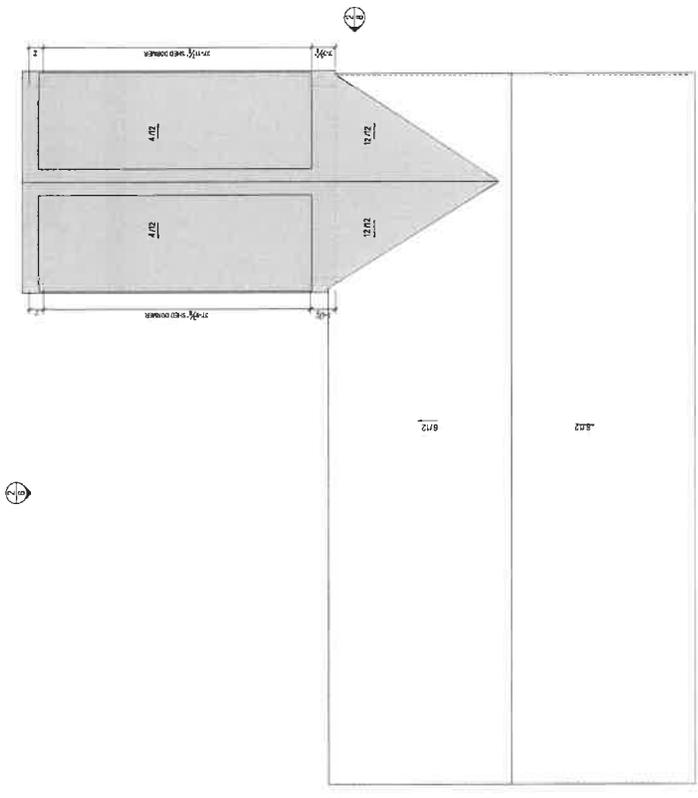
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 www.tuckerarch.com
 (781) 631-3546

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RESUBMIT DATE
 2025.01.16 FOR APPROVALS
 NOTE: Not for Construction unless
 otherwise stamped by Architect

6 Woodfin Terrace
 Marblehead, MA
 Proposed
 Roof Plan

NOTE: ORIGINAL DRAWINGS SET TO YOUR FULL SCALE | PAGE NO. | 5



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Note: These Existing Conditions Drawings represent a relative depiction of conditions in the field. These are not an exhaustive depiction of field conditions as the field. We do not guarantee 100% accuracy. All aspects of these drawings should be verified by the Contractor prior to construction. The location of elements is only approximate. These drawings are intended for planning purposes only.

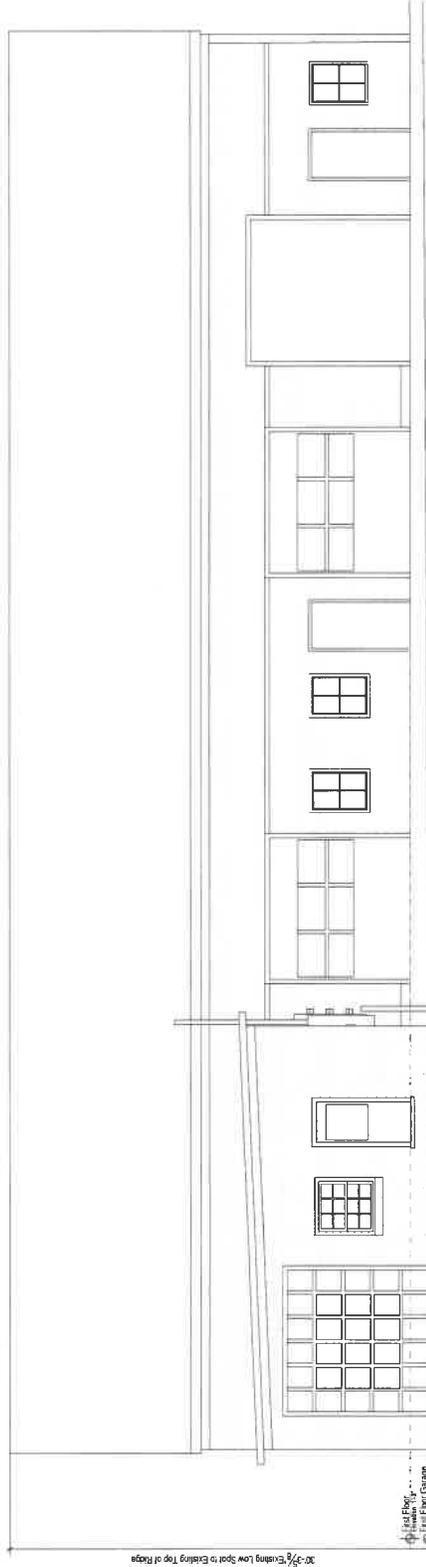
DATE: 2026 01 16 FOR APPROVALS

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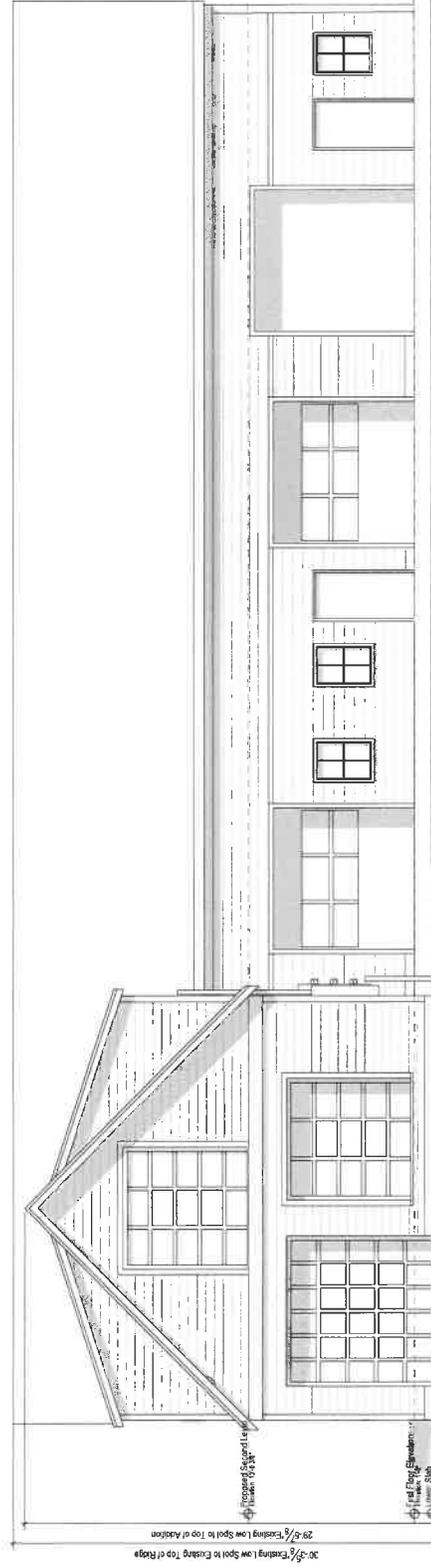
6 Woodfin Terrace
Marblehead, MA

Existing & Proposed Building Elevations

NOTE: ORIGINAL DRAWING SET TO HIGH FULL SCALE PAGE NO. 6



1 Existing Front Elevation
Scale: 1/4" = 1'-0"



2 Proposed Front Elevation
Scale: 1/4" = 1'-0"

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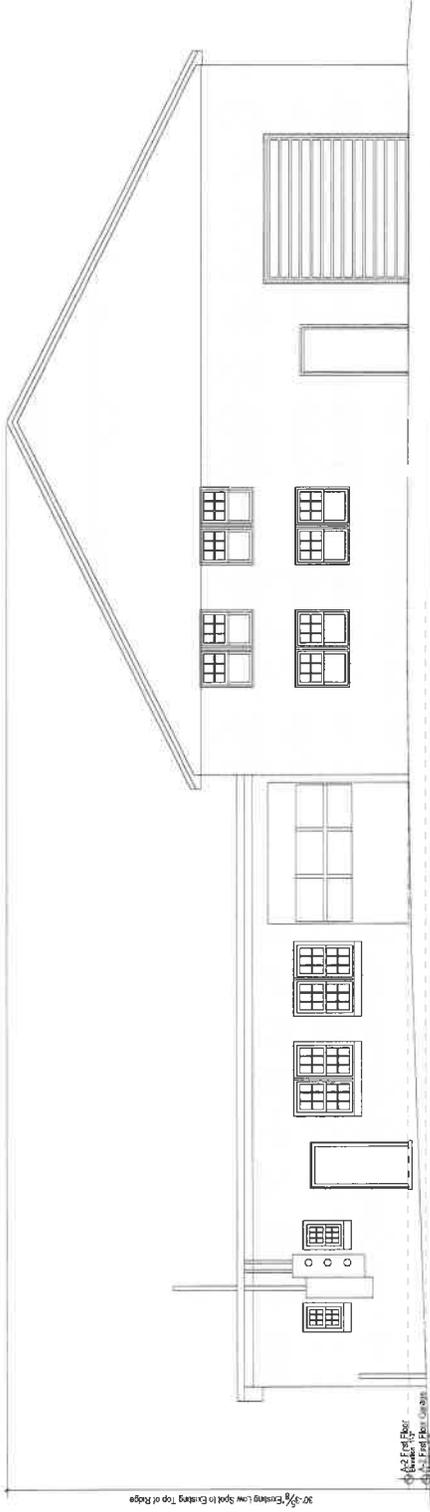
REVISION DATE
 2/28/21 16 FOR APPROVALS

NOTE: Not for Construction unless
 otherwise stamped by Architect.

6 Woodlin Terrace
 Marblehead, MA

Existing & Proposed
 Side Elevation

NOTE: ORIGINAL DRAWINGS SET TO 1/8"=1'-0" SCALE
 PAGE NO. 7



1 Existing Side Elevation
 Scale: 1/8"=1'-0"



2 Proposed Side Elevation
 Scale: 1/8"=1'-0"

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REVISION DATE
2025.01.16 FOR APPROVALS

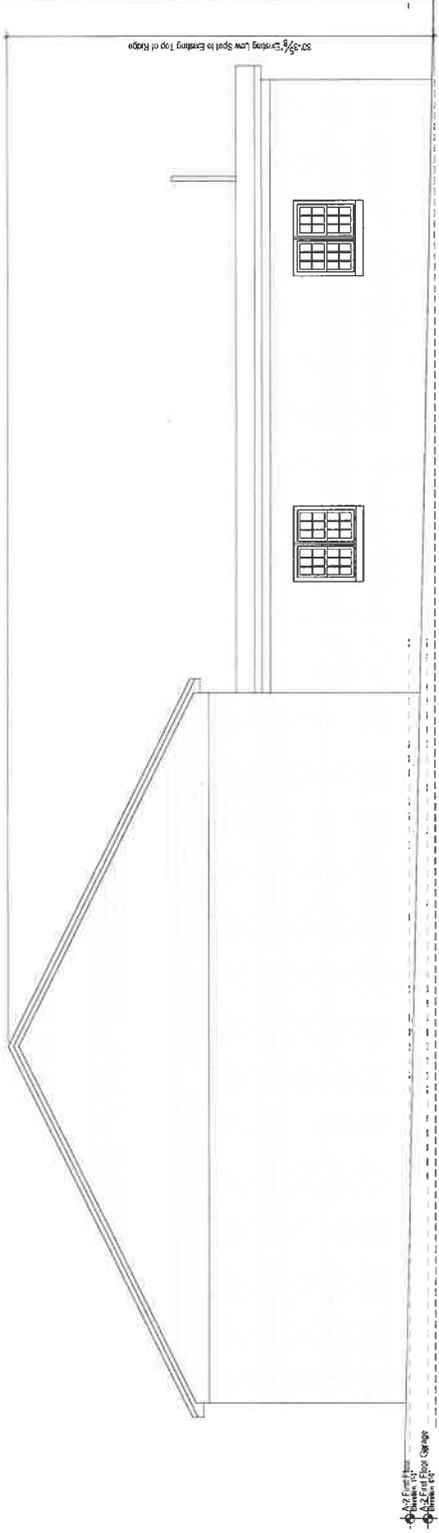
NOTE: Not for Construction unless otherwise stamped by Architect

6 Woodfin Terrace
Marblehead, MA

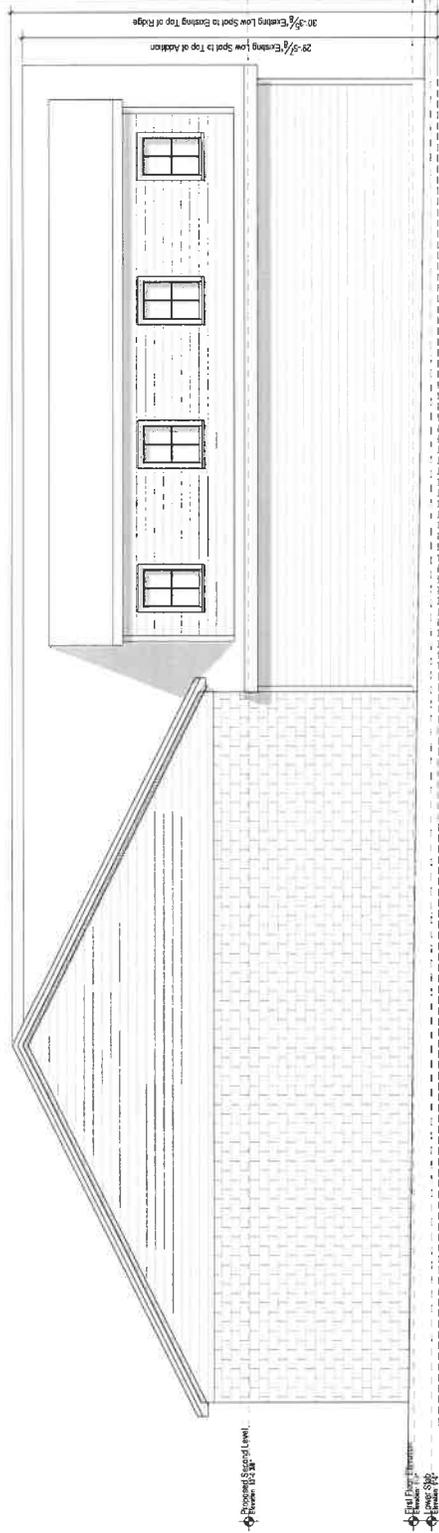
Existing & Proposed Side
Building Elevations

NOTE: ORIGINAL DRAWING SET TO YOUR FULL SCALE

PAGE NO. 8



1 Existing Side Elevation



2 Proposed Side Elevation

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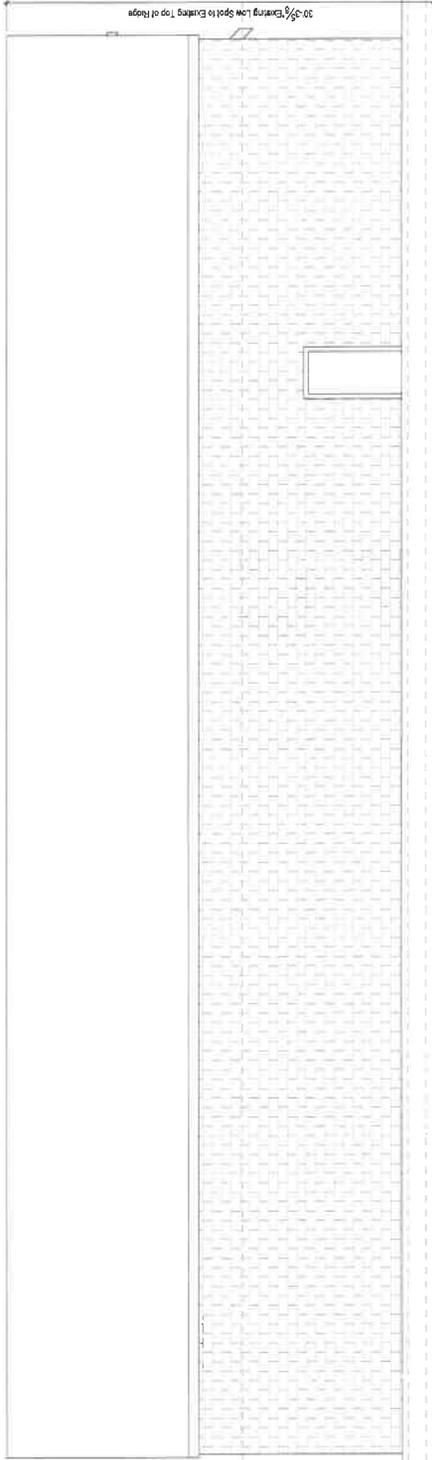
REVISION DATE:
2020 01 16 FOR APPROVALS

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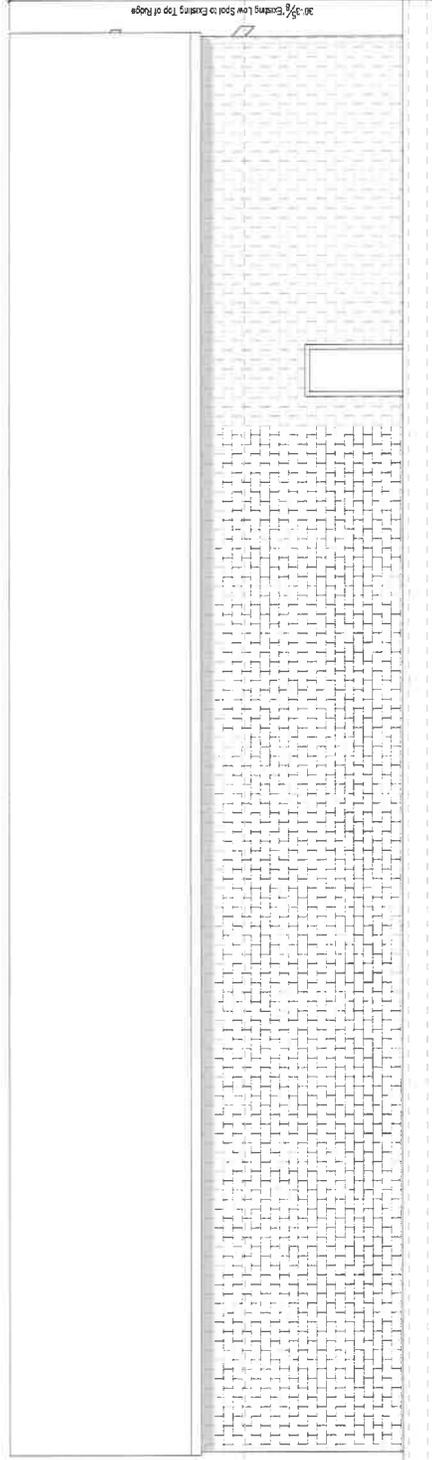
6 Woodfin Terrace
Marblehead, MA

Existing & Proposed Rear Building Elevations

NOTE: ORIGINAL DRAWING SET TO PROJECT FILE SCALE | PAGE NO. | 9



1 Existing Rear Elevation
Scale: 1/4" = 1'-0"



2 Proposed Rear Elevation
Scale: 1/4" = 1'-0"

DO NOT SCALE - GC TO VERIFY ALL DIMENSIONS. NOTIFY ARCHITECT OF ANY DISCREPANCY

EXHIBIT C



6 Woodfin Terrace



Imagery ©2026 Google, Imagery ©2026 Airbus, Maxar Technologies, Map data ©2026 Google 50 ft

EXHIBIT D

ONE STORY COMMERCIAL BUILDING

ONE STORY COMMERCIAL BUILDING

ASSESSOR'S MAP 152 LOT 7 (VACANT STRIP OF LAND) OWNER - TOWN OF MARBLEHEAD

TWO STORY COMMERCIAL BUILDING

EXISTING ONE STORY BUILDING
PROPOSED TWO STORY

EXISTING ONE STORY BUILDING

ONE STORY COMMERCIAL BUILDING

ASSESSOR'S
MAP 160 LOT 7
E. RUSSELL PEACH,
TRUSTEE
214 BEACON STREET

MARBLEHEAD, MA
JUL 15 2006
BOARD OF APPEALS

ZONING DISTRICT - UNRESTRICTED

	REQUIRED	EXISTING	PROPOSED
LOT AREA	7,500	15,043±	15,043±
FRONTAGE	35'	12.00'	12.00'
FRONT	20'	23'±	23'±
SIDE	6'	3'±	3'±
REAR	8'	4'±	4'±
BLDG HEIGHT	35'	30.3'	34.9'



ASSESSOR'S MAP 160
LOTS BA & 9
P.F. GALLO & SONS, INC.
8 WOODFIN TERRACE

PLOT PLAN OF LAND LOCATED AT 6 WOODFIN TERRACE MARBLEHEAD

PROPERTY OF

**JEFFREY B. WHITMORE &
JENIFER T. WHITMORE, TRUSTEES
OF THE 6 WOODFIN REALTY TRUST**

SCALE 1" = 20' APRIL 3, 2006

NORTH SHORE SURVEY CORPORATION

14 BROWN ST. - SALEM, MA

#2682



I CERTIFY THAT THE BUILDINGS
HEREON ARE LOCATED ON
THE GROUND AS SHOWN.

4/3/06
DATE *Gail L. Smith*
REG. PROF. LAND SURVEYOR

WOODFIN TERRACE

RIGHT OF WAY

38.91'

12.00'

23'±

20.00'

3'±

ASSESSOR'S MAP 160
LOT 8

-AREA-
15,043± S.F.

135.00'

100.87'

43'±

147.00'

4'±

4'±

120.57'

1'±

1'±

LOW SPOT

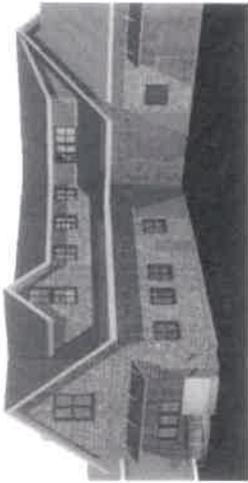
THE CENTER OF
LOT COINCIDES WITH
STANDARD PLATENET

Walter Jacob Architect, LTD
 152 Washington Street
 Marblehead, MA
 781.631.7440

MARBLEHEAD, MA
 JUL 25 2006
 BOARD OF APPEALS

DRAWING INDEX

- CS.1 COVER SHEET
- X.1 EXISTING CONDITIONS PHOTOGRAPHS
- A.0 EXISTING & PROPOSED FIRST LEVEL PLAN
- A.1 EXISTING & PROPOSED SECOND LEVEL PLAN
- A.2 EXISTING & PROPOSED ROOF PLAN
- A.3 EXISTING & PROPOSED WEST ELEVATION
- A.4 EXISTING & PROPOSED EAST ELEVATION
- A.5 EXISTING & PROPOSED NORTH ELEVATION



As abutting neighbors of 6 Woodfin Terrace we note that we have had the opportunity to review these plans.

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____

DRAWING SYMBOLS

	ROOM / AREA DESIGNATION
	WINDOW TAG
	EXTERIOR ELEVATION REFERENCE
	NORTH ARROW
	DOOR AND DOOR DIMENSION (WIDTH & HEIGHT)
	DIMENSION STRING
	NEW WALL
	EXISTING WALL
	WALL TO BE DEMOLISHED

PROJECT LOCATION



LOCATION MAP

LOCATION MAP

Whitmore Brothers Office Remodel

No. 6 Woodfin Terrace, Marblehead MA

05.03.02

Cover Sheet/Project Info.

Whitmore Brothers Office Remodel

Walter Jacobs Architects, LTD
152 Washington Street
Marblehead, MA
781.631.7460



05.03.02



SOUTH WEST ELEVATION



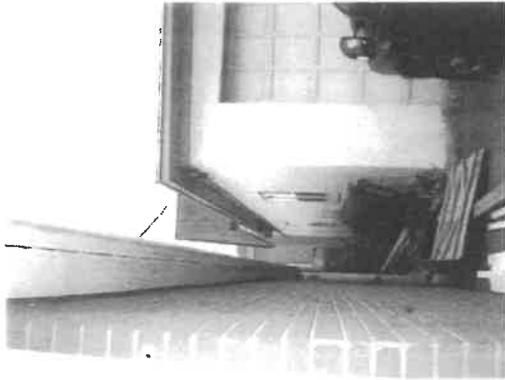
SOUTH EAST ELEVATION (A)



SOUTH WEST ELEVATION



SOUTH EAST ELEVATION (B)



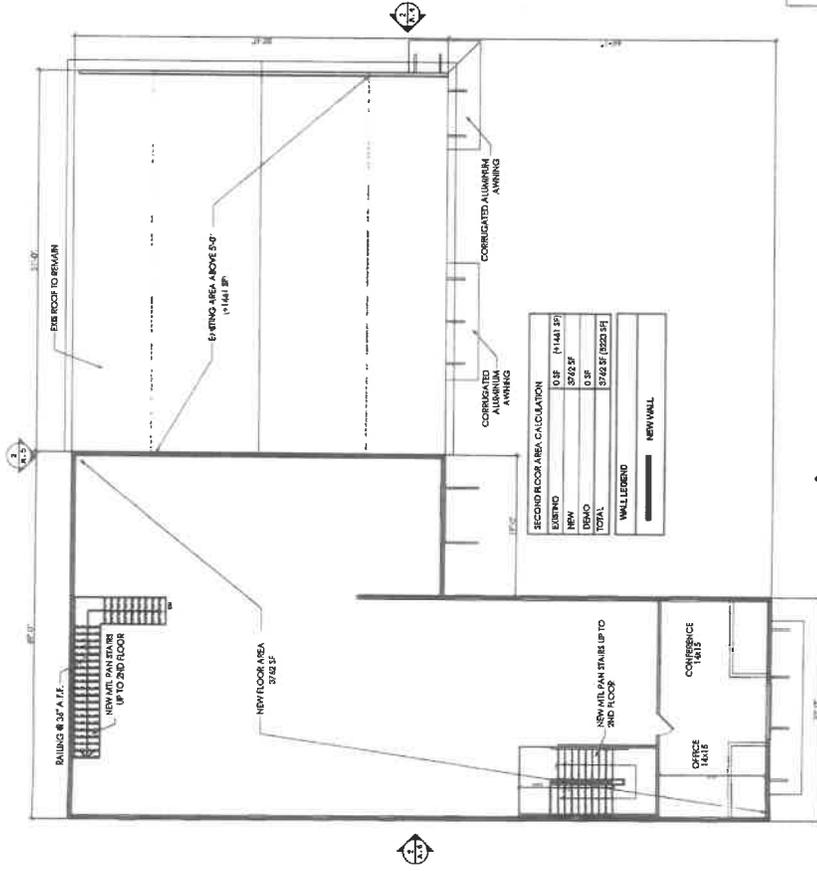
NORTH WEST ELEVATION (B)

Velby, Inc. Architects, LTD
 182 Washington Street
 Marblehead, MA
 781.631.7440

A.1

No. 6 Woodfin Terrace, Marblehead MA

Whitmore Brothers Office Remodel



SECOND FLOOR AREA CALCULATION	
EXISTING	11141 SF
NEW	3783 SF
TOTAL	14924 SF
WALL/ENDO	
	NEW WALL

1 Proposed Second Floor Plan
 1/16" = 1'-0"

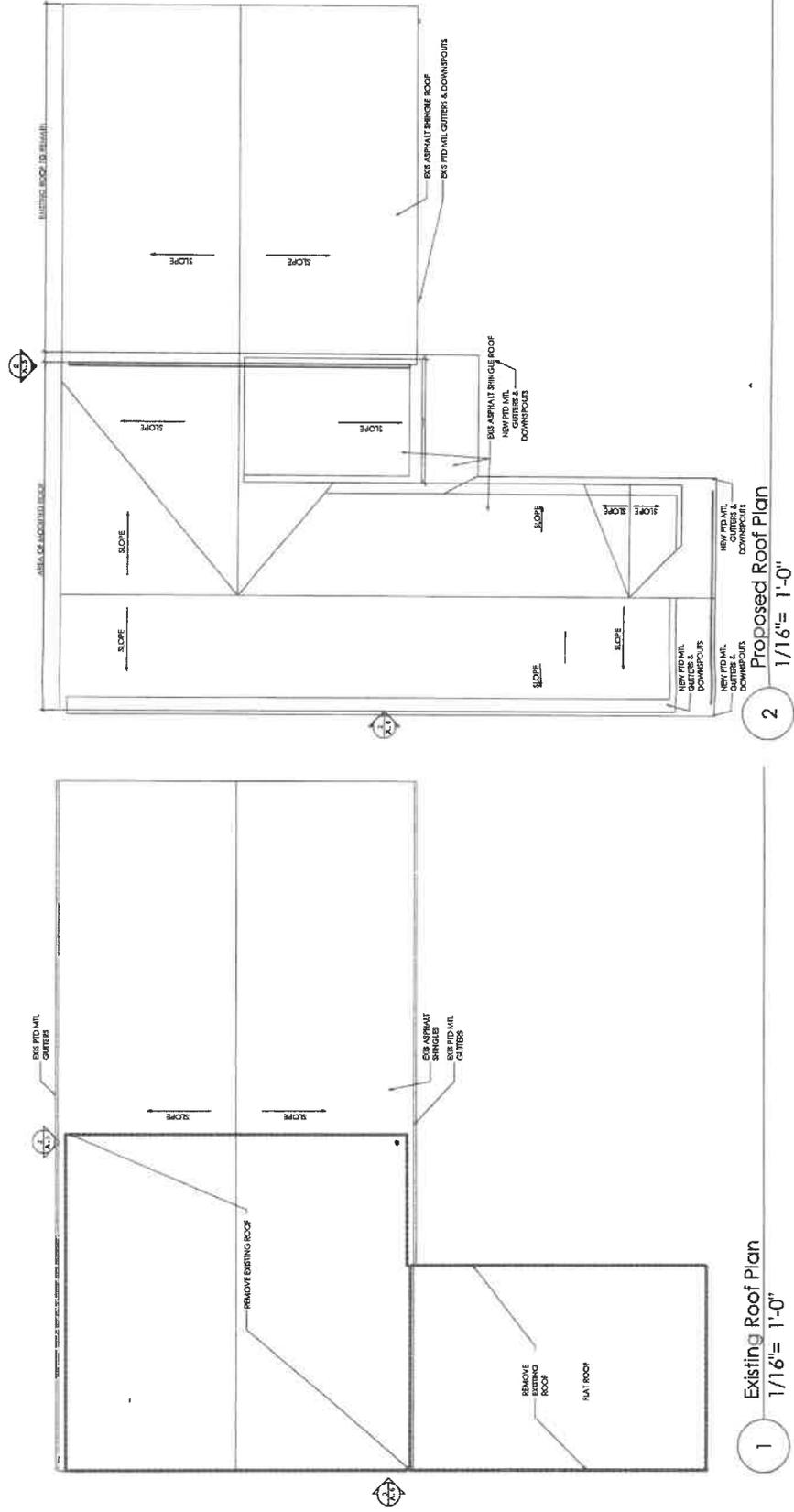
05.03.02

Walker Jacob Architects, LTD
 182 Washington Street
 Marblehead, MA
 781.331.7440

A.2

Whitmore Brothers Office Remodel

No. 6 Woodfin Terrace, Marblehead, MA



1 Existing Roof Plan
 1/16" = 1'-0"

2 Proposed Roof Plan
 1/16" = 1'-0"

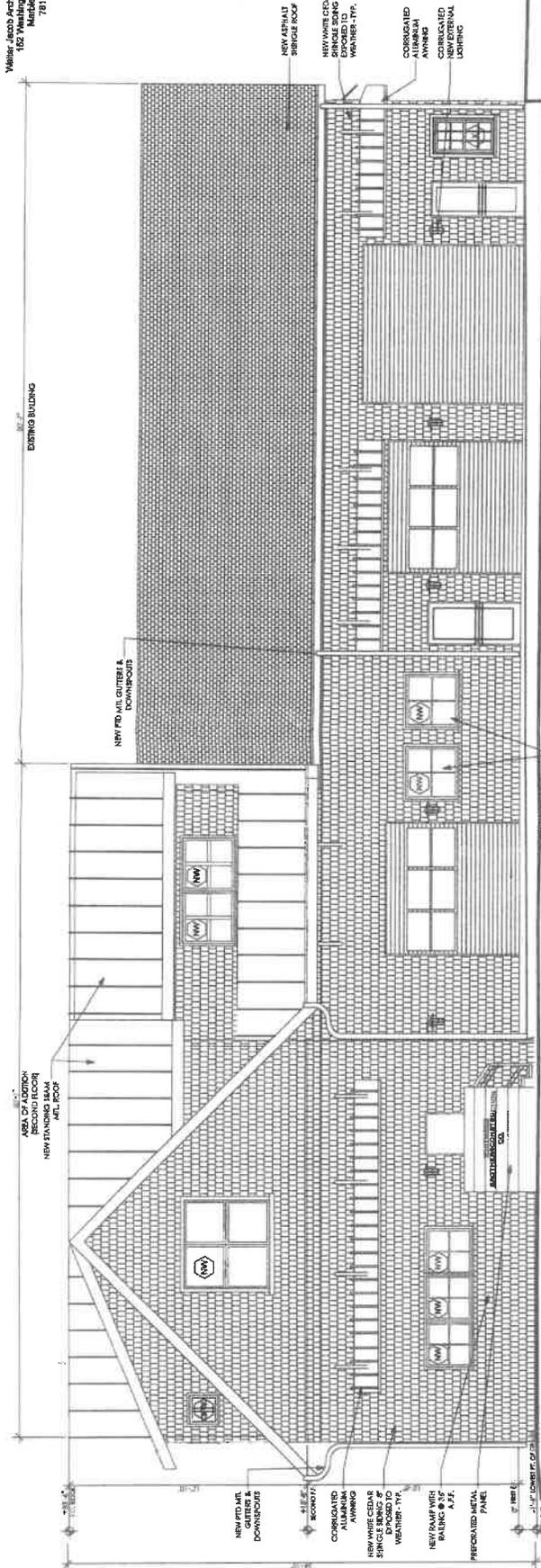
05.03.02

Wells, Jacob Architects, LTD
 102 Washington Street
 Marblehead, MA
 781.531.7410

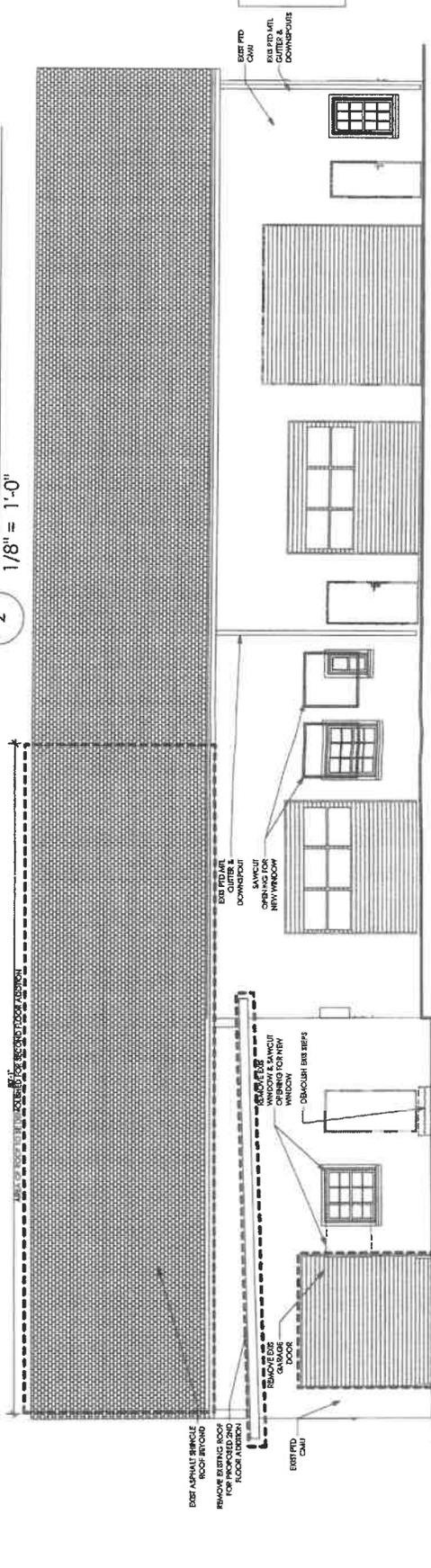
A.3

Whitmore Brothers Office Remodel

No. 6 Woodfin Terrace, Marblehead, MA



2 Proposed South-West Elevation
 1/8" = 1'-0"

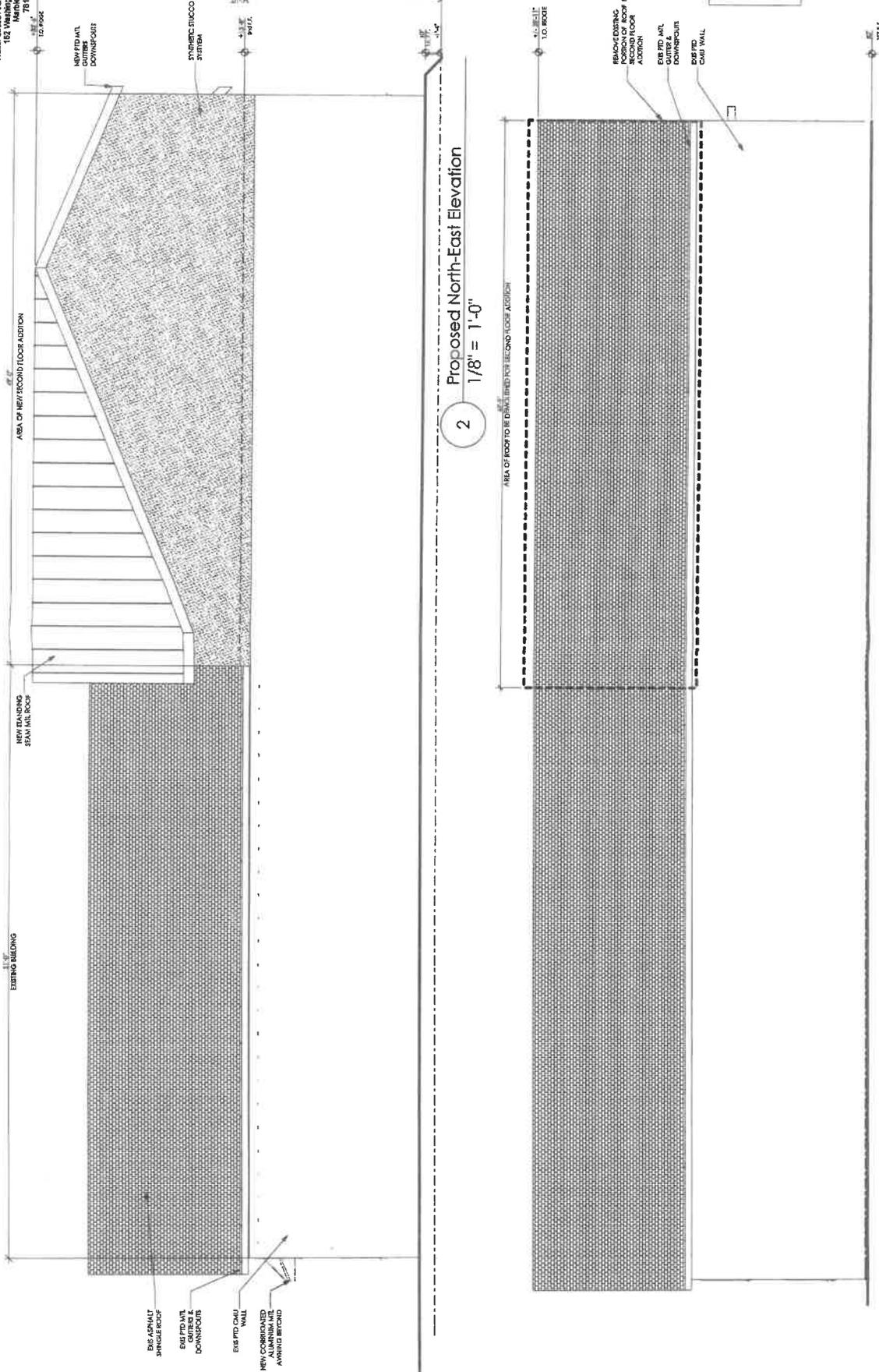


1 Existing South-West Elevation
 1/8" = 1'-0"

05.03.02

Walker Jacob Architects, LTD
 182 Washington Street
 Marblehead, MA
 781.621.7440

Whitmore Brothers Office Remodel



1 Existing North-East Elevation
 1/8" = 1'-0"

2 Proposed North-East Elevation
 1/8" = 1'-0"

EXHIBIT E

Decision filed in Town Clerk's Office: July 27, 2006

**TOWN OF MARBLEHEAD
BOARD OF APPEALS**

Engineering Department
7 Widger Road, Marblehead, Massachusetts 01945
(781) 631-1529
FAX (781) 631- 2617

BOARD OF APPEALS

NOTICE OF DECISION

Marblehead, Mass, September 19, 2006

The Board of Appeals, after notice, and public hearing on **TUESDAY, JULY 25, 2006 at 8:00 PM** in the Selectmen's meeting room, Abbot Hall, on the application of **JEFFREY B. & JENIFER T. WHITMORE, TRUSTEES OF 6 WOODFIN REALTY TRUST**, to vary the application of the present zoning bylaw by allowing a special permit for the construction of an addition to an existing commercial building. The new construction will be within the required side yard and rear yard setbacks and further reduce open space and exceed allowed expansion limits for a nonconforming building and further reduce parking on a preexisting nonconforming property with less than the required frontage, open space, parking and side and rear yard setbacks at **6 WOODFIN TERRACE**, located within a **UNRESTRICTED DISTRICT**.

- Denied
 Granted with Conditions
 Applicant withdrew without prejudice

BOARD OF APPEALS

Alan Lipkind, Secretary

A decision of the Board of Appeals does not constitute the granting of a Building Permit. Building Permits must be obtained from the Building Commissioner. No action can be taken or Building Permit issued until the 20-day appeal period (which begins on the date the decision is filed with the Town Clerk) has passed, on the 21st day the decision is to be filed in the Registry of Deeds and a stamped receipt shall be proof of filing from the Registry of Deeds and to be returned to the Building Department. Failure to act on a favorable decision within one year renders the decision null and void.

ATTACHMENT

The Special Permit is granted, with the following conditions:

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 drawings approved and stamped by the Board of Appeals by that vote, or which is inconsistent with this Decision and the conditions herein, without the Applicant obtaining prior written approval from the Board of Appeals for such construction.

That no demolition, building or occupancy permit, whether temporary, conditional or permanent, shall issued for until a complete copy of this four page Decision, endorsed by the Town Clerk, is recorded in its entirety at the Essex South District Registry of Deeds as required by Massachusetts General Laws Chapter 40A. The application for and/or issuance of any such permit prior to the recording of the endorsed copy of this Decision shall render this Special Permit granted herein null and void.

There shall be no future altercations, changes or additions whatsoever, including additions of less than 10%, to the structure, except pursuant to a special permit granted by the Board of Appeals.

Upon completion of construction, and written thirty (30) days after the issuance of a Certificate of Occupancy, the Applicant shall permanently remove the storage container presently on the property.

The Applicant shall submit to the Town Planner a Lighting Plan for approval, prior to the issuance of a Certificate of Occupancy.

COPY

**TOWN OF MARBLEHEAD
DECISION OF
THE BOARD OF APPEALS**

on

**Application of Jeffrey B. Whitmore and Jenifer T. Whitmore
Trustees of 6 Woodfin Realty Trust
For a Special Permit
6 Woodfin Terrace
Marblehead, MA
Map 160 Parcel 8**

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

**Jeffrey B. Whitmore and Jenifer T. Whitmore, Trustees
Title Reference – Essex South District Registry of Deeds Book 15048, Page 225**

requesting a Special Permit pursuant to the provisions §200-36 of the Zoning By-Law of the Town of Marblehead, allowing an addition to a pre-existing non-conforming structure on a pre-existing non-conforming lot, located within the UNRESTRICTED DISTRICT at 6 Woodfin Terrace, Assessor's Map 160, Parcel 8.

All statutory requirements relating to publication and notice were duly complied with including publication in the Marblehead Reporter, a local newspaper, on July 6, 2006 and on July 13, 2006, respectively. Notice to all persons deemed by the Board to be affected by the application, as required by Section 17 of Chapter 40A of the General Laws of the Commonwealth and the provisions of the Marblehead Zoning By-Law, was given. The Applicants were represented by counsel, Robert C. McCann, McCann & McCann, P.C., 100 Conifer Hill Drive, Suite 313, Danvers, MA 01923 and Architect Walter Jacob, 152 Washington Street, Marblehead, MA 01945.

The Public Hearing was called to order at or after 8:00 PM on July 25, 2006 in the Selectmen's Room, Town Hall, Washington Street, Town of Marblehead. The Board Members present and sitting on the hearing were:

Chairman:	William R. Moriarty
Members:	David Bennet
	Barbara Shefftz
	Karen I. Tenenbaum
	Alan Lipkind

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

The Survey drawn by North Shore Survey Corporation, 14 Brown Street, Salem, MA 01970 entitled "PLOT PLAN OF LAND LOCATED AT 6 WOODFIN TERRACE, MARBLEHEAD, PROPERTY OF JEFFREY B. WHITMORE & JENIFER T. WHITMORE, TRUSTEES OF THE 6 WOODFIN REALTY TRUST" dated April 3, 2006, Scale 1" = 20'.

COPY

Architectural Plans and Renderings prepared by Walter Jacob, Registered Architect, consisting of the following:

CS.1	COVER SHEET
X.1	PHOTOGRAPHIC RENDERINGS OF EXISTING STRUCTURE
A.0	EXISTING AND PROPOSED FIRST FLOOR PLAN
A.1	PROPOSED SECOND FLOOR PLAN
A.2	EXISTING AND PROPOSED ROOF PLAN
A.3	EXISTING AND PROPOSED SOUTH-WEST ELEVATION
A.4	EXISTING AND PROPOSED SOUTH-EAST ELEVATION
A.5	EXISTING AND PROPOSED NORTH-EAST ELEVATION
A.6	EXISTING AND PROPOSED NORTH-WEST ELEVATION

The Applicants explained the requests in the Application and the proposed construction as follows:

The property, located in an UNRESTRICTED DISTRICT, consists of a single lot of land containing 15,043 +/- square feet of land and 12.00 feet of frontage. The property is currently has one commercial building housing Whitmore Bros. Contracting Business in the lower left first floor of the building and two (2) automotive service business in the rear of the building, separated by a fire wall. The use of the property conforms to the use regulations of the Zoning By-Laws. The property also has a permitted storage trailer for equipment and supplies of the Whitmore Bros. Contracting Business.

The Applicants have occupied the property since 1985. Growth in the business of Whitmore Bros. Contracting Business has required the use of the storage trailer. The purpose of the addition is to provide interior storage space and office space for Whitmore Bros. Contracting Business, thus negating the need for the storage trailer. Removal of the storage trailer after construction has been completed will provide for additional available parking spaces on the property.

The property is located in the area of the Town of Marblehead Transfer Station, and is consistent with other buildings in the neighborhood, being constructed of cinder block. The proposed construction, in addition to adding a partial second floor to the building, will result in improvements to various portions of the building that will enhance the exterior look of the structure.

The lot is non-conforming in that it has less than the required frontage (12' existing – 35' required). The existing building is non-conforming in that it has less than the required side and rear yard set backs. The property also does not meet the Open Space Requirement of 1.00 : 1.00 (the existing open space is .17 : 1.00) or Parking (38 required and 17 +/- provided). The new construction will increase the Gross Floor Area by more than 10%, will reduce the Open Space to .09 : 1.00, and will, because of the increase in Gross Floor Area, further reduce the required parking (based on the total Gross Floor Area after construction, 48 spaces would be required). The Applicant represented to the Board that the actual parking on the property would not be reduced, as the building footprint is not being increased, and would in fact be increased as a result of the removal

COPY

of the storage trailer, thus providing additional parking area on the property than currently exists.

The Applicant further represented to the Board that the Planning Board at its Public Hearing on June 27, 2006, voted to approve the Site Plan Special Permit, but that the Decision has not yet been drafted by the Planning Board. Two conditions that will be contained in the Planning Board Decision were adopted by this Board, and are set forth below.

After the Applicants' presentation, the Board opened the hearing to the general public for comment. No one spoke either in favor of or opposed to the Application.

Thereafter, upon motion duly made and seconded, the Board voted to close the public comment portion of the hearing. After discussion amongst the Board Members, the Board made the following findings and decision:

Findings of the Board

By voting positively on the Application, 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, § 200-36B 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; and
 - b. The specific site is an appropriate location for such use or building; and
 - c. The use as developed will not adversely affect the neighborhood; and,
 - d. There will be no nuisance or serious hazard to vehicles or pedestrians; and
 - e. Adequate and appropriate facilities will be provided for the proper operation of the proposed use.

Decision

Whereupon the Board voted: To grant a Special Permit allowing construction for which relief was requested with the following conditions:

- 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 by that vote, or which is inconsistent with this Decision and the conditions herein, without the Applicant obtaining prior written approval from the Board of Appeals for such construction.

COPY

- That no demolition, building or occupancy permit, whether temporary, conditional or permanent, shall be issued until a complete copy of this four page Decision, endorsed by the Town Clerk, is recorded in its entirety at the Essex South District Registry of Deeds as required by Massachusetts General Laws Chapter 40A. The application for and/or issuance of any such permit prior to the recording of the endorsed copy of this Decision shall render the Special Permit granted herein null and void.
- There shall be no future alterations, changes or additions whatsoever, including additions of less than 10%, to the structure, except pursuant to a special permit granted by the Board of Appeals.
- There shall be no future reduction in open area whatsoever without a future special permit granted by the Board of Appeal.
- Upon completion of construction, and within thirty (30) days after the issuance of a Certificate of Occupancy, the Applicant shall permanently remove the storage container presently on the property.
- The Applicant shall submit to the Town Planner a Lighting Plan for approval, prior to the issuance of a Certificate of Occupancy.

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

Chairman:	William R. Moriarty	-	Yes
Members:	David Bennet	-	Yes
	Barbara Shefftz	-	Yes
	Karen I. Tenenbaum	-	Yes
	Alan Lipkind	-	Yes

The hearing adjourned at approximately 8:25 PM.

BOARD OF APPEALS
TOWN OF MARBLEHEAD

By: David C. Bennet
David Bennet

Filed with [Signature], Town Clerk, on _____
at _____

RECEIVED
MARBLEHEAD
TOWN CLERK
2006 JUL 27 PM 2:49

ATTACHMENT

The Special Permit is granted, with the following conditions:

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 drawings approved and stamped by the Board of Appeals by that vote, or which is inconsistent with this Decision and the conditions herein, without the Applicant obtaining prior written approval from the Board of Appeals for such construction.

That no demolition, building or occupancy permit, whether temporary, conditional or permanent, shall issued for until a complete copy of this four page Decision, endorsed by the Town Clerk, is recorded in its entirety at the Essex South District Registry of Deeds as required by Massachusetts General Laws Chapter 40A. The application for and/or issuance of any such permit prior to the recording of the endorsed copy of this Decision shall render this Special Permit granted herein null and void.

There shall be no future altercations, changes or additions whatsoever, including additions of less than 10%, to the structure, except pursuant to a special permit granted by the Board of Appeals.

Upon completion of construction, and written thirty (30) days after the issuance of a Certificate of Occupancy, the Applicant shall permanently remove the storage container presently on the property.

The Applicant shall submit to the Town Planner a Lighting Plan for approval, prior to the issuance of a Certificate of Occupancy.