



# MANCHESTER-BY-THE-SEA

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## ZONING BOARD OF APPEALS

Manchester-by-the-Sea, Massachusetts 01944-1399

Telephone (978) 526-6405

### MINUTES

#### ZONING BOARD OF APPEALS

#### Hybrid Meeting April 19, 2023

**Members Present:** Sarah Mellish (Chair), James Mitchell, Brian Sollosy, and Jim Diedrich.

**Members Not Present:** Kathryn Howe, John Binieris, and Sean Zahn

Ms. Mellish called the meeting to order at 7:03 p.m. and stated that the meeting was a Hybrid meeting on Zoom with members of the Board, Applicants, and Public in Town Hall, Room 5. Ms. Mellish introduced herself and Board members present.

#### New Application

Ms. Mellish opened the public hearing for the Application of **James and Grace Hoffman** for a Special Permit under Sections 6.1.2 and 7.5.2 of the Zoning By-Law, and/or other relief as may be necessary, to raze a single family residence on a non-conforming lot and construct a new single family residence and garage which conforms with all setback and coverage requirements at **17 Eagle Head Road**, Assessor's Map No. 13, Lot No. 42 in District E, filed with the Town Clerk on March 13, 2023.

Mr. Glovsky spoke on behalf of Mr. and Mrs. Hoffman. He introduced the architects on the project from Murdough Design Architects, Concord, MA, the landscape architects from Richardson & Associates, Saco, ME, and the project manager from Hancock Associates, Danvers, MA. He stated that the request is to raze a single-family residence on a non-confirming lot and construct a new single-family residence and garage which would not be more detrimental to the neighborhood than the existing dwelling.

Mr. Glovsky added Mr. and Mrs. Hoffman purchased the property in September 2022 and have been working to design a project appropriate to the site. Mr. Glovsky indicated that the lot has no frontage, which was approved by the Planning Board in the 1950's and is accessed by a private way. The current house is 13' from the westerly boundary where 20' is required. The new house will comply with all setback requirements. Mr. Glovsky concluded that the current house, which was built in the 1950's and has not stood up to coastal conditions is in a dilapidated condition and has had a life well lived.

Tom Murdough, the principal architect, stated that the new building will be fully conforming with all setbacks. The building will be composed of three gabled structures, two are for primary living space, with the third for a garage with a guest suite on the second floor. The new building has been pulled back for the coast with a footprint of 4,090 square feet. He added that the current building is a little smaller.

Mr. Glovsky stated that the Hoffman's have engaged with their neighbors and as a result of those meetings the plans originally presented to the Board have been modified. The original plans called for a full basement which would have required blasting. In response to neighbors' concerns around blasting the new basement will be located where the original basement was located with the addition of crawl space beyond the original basement. Hancock representative outlined the proposed changes for the Board with a presentation diagram.

Mr. Glovsky cited the criteria for issuing a special permit from the Zoning By-Laws:

- The site is appropriate in terms of size and use. It has been used as a single-family home since the 1950's.
- Suitability – is the structure sufficiently sized and configured – the dimensional requirements have been met.
- Impact on traffic flow and safety, The new home will generate the same amount of traffic as the prior four-bedroom house.
- Visual impact on neighborhood – Mr. Glovsky stated the new structure will be more consistent with the neighborhood.
- Construction will include a new state-of-art Title V septic system.
- Drainage will be improved by a rain garden and drainage control system.
- Utilities will remain the same.
- Richardson & Associates will remove invasive species.
- It is believed that the new construction will not be detrimental to the neighborhood. All neighbors have signed off on the project with the exception of Mrs. Colburn who is here this evening.

Ms. Mellish asked if any Board members had questions.

Mr. Mitchell stated that he had no questions, adding the project had been clearly presented.

Mr. Diedrich noted that the chimney was over the setback. Ms. Mellish stated that was allowed. Mr. Diedrich also requested clarification around where exactly the basement was located. The Hancock representative moved his diagram to the Board's table and clarified for members exactly where the basement was located.

Ms. Mellish asked for Public Comment

Mrs. Colburn, 185 Summer Street – Mrs. Colburn stated that no doubt the proposed house is more attractive. Her concern is that there are conservation easements that state property cannot be added onto within 250' of the water. She noted that she has a general objection not specific with the respect to coastal buffers. Ms. Mellish stated that the coastal buffers are under the Conservation Commission's purview. Ms. Mellish added that the ZBA is concerned with non-

conforming lots, setbacks which this project is improving, coverage by structures, and impervious surfaces. The coverage was 5.13% is now 10% well below the allowed and total coverage is 15% substantially lower than allowed.

Mr. Glovsky stated that the buffer zone is 100' from water and added that the house is now extending back from the water away from the coastal bank. The Hancock representative added that there is little wiggle room for constructing the house given that the ocean is in front of the building and wetlands behind. Consideration has been given to both.

Mr. Hoffman, 17 Eagle Head Roan – Mr. Hoffman expressed his appreciation to the Board for their work on behalf of Manchester-by-the-Sea and upholding the quality of life and helping to continue to make the Town a great place to live.

*Ms. Mellish moved to close the Public Hearing and approve the application of **James and Grace Hoffman** for a Special Permit under Sections 7.2 and 12.5.2 of the Zoning By-Law, to raze an existing single family residence on a nonconforming lot and construct a new single family residence and garage which meet all setback, coverage and maximum height requirements of the District at **17 Eagle Head Road**, Assessor's Map No. 13, Lot No. 42 in District E, filed with the Town Clerk on March 13, 2023, based on a finding that the proposed use is in harmony with the purpose and intent of the By-Law and the proposed replacement residence and garage will not be more detrimental or injurious to the neighborhood in which it is located than the existing residential structure and the requirements and conditions under Section 12.5.2 of the Zoning By-Law for the grant of a Special Permit have been met, based on the condition that the structures constructed meet all setback, coverage and height restrictions in District E and are situated in accordance with the following plans created by Hancock Associates, dated 3/10/23: C2 Notes and Legends Sheet, C4 Layout and Materials and A1.11 Site Plan-Enlarged. Mr. Sollosy seconded the motion, the motion passed with all members voting affirmatively.*

Ms. Mellish will write the decision and Mr. Diedrich will review.

Ms. Mellish cautioned that if the Conservation Commission required the location of proposed structures be moved. The Applicant would need to come back to the Board for a modification of the Decision.

Mrs. Colburn expressed concern around blasting and asked if there is blasting does the applicant need to come before the Board. Ms. Mellish replied no. Mr. Glovsky clarified that there are strict guidelines around blasting. However, according to the new plans at this point there is no need for blasting.

## **ADMINISTRATIVE MATTERS**

- **Review and approval of meeting minutes.**

*Ms. Mellish moved to approve the meeting minutes of January 25, 2023 as amended, Mr. Sollosy seconded the motion. The motion passed with Ms. Mellish, Mr. Sollosy, and Mr. Mitchell voting affirmatively.*

*Ms. Mellish moved to approve the meeting minutes of March 15, 2023, Mr. Sollosy seconded the motion the motion passed with Ms. Mellish, Mr. Sollosy, Mr. Mitchell, and Mr. Diedrich voting affirmatively.*

- **Status of Decisions**

There are four outstanding decisions for the Board to write: 37 Vine St., John Binieris, 64 School St., Ms. Mellish, 3 Kings Way, Mr. Mitchell, and 2 Blossom Lane, Ms. Mellish.

- **Any other administrative matters that could not reasonably have been anticipated in advance of the required 48-hour posting.** There were no additional matters to discuss this evening.

*Mr. Sollosy moved to adjourn the meeting; Mr. Mitchell seconded the motion. The motion passed unanimously by roll call vote.*