

MARBLEHEAD PLANNING COMMISSION MEETING

April 5, 2023

Meeting called to order by Chairman Tim Feller at 6:00 PM. Members answering Roll Call: Members Richard Zembala and Cher Monak, Council Member Maryann Sauvey, Mayor Jackie Bird, and Chairman Tim Feller. Motion made by Mayor Jackie Bird and seconded by Council Member Maryann Sauvey to approve the March 1, 2023 minutes as presented.

Motion carried by unanimous roll call vote.

Public Comments: Matt Robinson from the Wave Hotel was present as a walk-in and wanted to give an update on the remodeling. Chairman Feller said we will hear him after the regular agenda items are completed (see below).

Old Business: None

New Business: Public Hearing for a setback variance at 1002 Lake Street.

James Kreutzfeld, the owner was not present at today's hearing. John Feick, the architect for the project was representing Mr. Kreutzfeld. Mr. Feick explained the variance request to the Board of Zoning Appeals. The existing house will be demolished and a new house built. The proposed plan (on file) calls for the house to be located 5' closer to the lake than allowed by the zoning code. Mr. Feick said that if the owner gets approval for the variance he intends to remove the existing gazebo which is located between the house and the lake. After reviewing the drawings, the Board had some questions and suggestions. Chairman Feller noted that there is 5 feet of room on the roadside of the house and they could move the entire plan 5 feet towards the road and no variance would be needed, and also the proposed floor plan would not need to be altered. Mr. Feick said the owner did not want to do that because that would not leave enough room to park a vehicle in the driveway in front of the garage. Council member Maryann Sauvey asked if the deck stairs could be set inside the footprint of the deck which would save 3 feet and then they may be able to shorten the front of the house by 2 feet and not need a variance. Mr. Feick said that would leave the deck too narrow. Mayor Bird said that since they are building from scratch, they could modify the plan to meet the zoning code without a variance. Chairman Feller reminded Mr. Feick that it may not seem intrusive for the deck to extend 5 feet past the setback line, but Mr. Kreutzfeld or a different owner in the future could close-in the porch including with a roof or second story because they would be building within that new footprint. Ted Patrick and Brett and Kathy York, both neighbors across the street from the Kreutzfeld property, were present and did not oppose the variance as submitted. Brett and Kathy York said they would like to see the variance granted because Mr. Kreutzfeld will remove the gazebo. Mayor Bird pointed out that the gazebo can be removed at any time with or without the variance. Chairman Feller said that the averaging rule was instituted to prevent the very reason of this variance request, and the averaging rule prevents "creep" to the lake front, as well as protecting the existing sight lines of neighbors. Creep takes place when a variance is granted to allow a house to be built in front of a neighboring house and that new house now determines one side of the averaging line for the next house down the street. Eventually, if the houses move forward over the years, you have "creep" to the lake. This is why the averaging setback rule is strictly enforced. A motion was made by Mayor Jacqueline Bird and seconded by Member Corky Zembala to deny the Kreutzfeld variance #01-23 as submitted, because it violates the averaging setback as described in §154.019 GENERAL YARD REQUIREMENTS which protects the existing site lines to the lake, for current and future neighboring property owners, and further that the variance application and Finding of Fact which includes review of the 7 factors listed in §154.279, are made part of these minutes. Motion carried by unanimous roll

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call vote.

The Planning Commission reviewed the requested change (see drawings on file) for the Waterview Conditional Use Multifamily development. The Commission determined that a variance and public hearing was not necessary to allow this change, since the result is very similar to the original permit granted for the Waterview development in 2020. Waterview had previously received approval for a variance to remove some garages and now they would like to put those garages back in the same place. In addition to returning most of the garages to their original location (see red highlight on the "proposed" drawing), there are a few other changes. A new garage will be installed between dwelling units 103 and 104, another 4 garages will replace the existing 4 parking spaces south of dwelling unit 97 bringing that cluster to 4 garages, and next to dwelling unit 77, there will be 4 parking spaces and an attached garage, which is unchanged from the previous variance granted.

Matt Robinson, the owner of the Wave Hotel (formerly the Lighthouse Inn) attended the meeting informally as a walk-in and updated the Commission on the remodeling progress and possible future plans. Those proposed plans (on file) are preliminary and not approved at this meeting. Chairman Feller had a concern about Lake Breeze Circle which is the road that serves the Lighthouse View subdivision next to the Wave Hotel. The western end of this road curves around and dead-ends near the rear of the Hotel property. This is near the rear portion of the Hotel property that is proposed to be rezoned from R-1 to Business to match the main Hotel property. Chairman Feller does not want this road to be accessed by the Hotel and used as an ingress/egress for the Hotel traffic. This is not what that road was designed for and would be unduly burdensome for the owners on Lake Breeze Circle. After some discussion, the Commission agreed this would not be acceptable. Mr. Robinson said he has no intention of accessing Lake Breeze Circle and would be happy to write a deed restriction stating this. Chairman Feller asked Mr. Robinson to send that agreement to Mr. Hruska and upon approval of the language, will make it part of the rezoning hearing.

Zoning Administrator Hruska gave his zoning report.

Meeting adjourned at 7:00 PM

I hereby certify these minutes to be true and accurate



Secretary, Robert Hruska