



MINUTES OF THE ZONING BOARD OF APPEALS
ANDOVER, MASSACHUSETTS
Select Board Meeting Room
36 Barlet Street
January 8, 2026
6:00 PM

Participating Members: Elizabeth Oltman, Chair, Lisa Rechisky, Clerk, Kathy Faulk, David Guerette
Associate Members: Matthew Nigrelli, Michael Novaria, Michael Wellikoff, Dan Lopez
Absent: Ellen Keller

EXECUTIVE SESSION:

Board to move to go into Executive Session pursuant to Purpose 3 for confidential communication with Town Counsel to discuss strategy with respect to litigation filed by Christopher Nicholas and Laura Hulme and to reconvene in open session, and that the Chair declare that an open session may have a detrimental effect on the litigation position of the Town.

NEW HEARINGS

Petition Number: ZBA-25-3 8

Premises Affected: 22 Arundel Street

Petitioners: Colin Fahey

Relief Requested: Variance from Article VIII, §4.1.2 and/or a Special Permit under Article VIII, §3.3.5 to construct a deck that will encroach into the side yard depth requirements

Members Sitting: Oltman, Rechisky, Faulk, Guerette

Associate members Sitting: Lopez

SUMMARY: Homeowner, Colin Fahey, appeared before the Board to request relief to construct a 10X10- foot uncovered deck at the rear of the dwelling, accessed from an existing sun porch. The petitioner explained that the proposed deck would extend directly behind the existing sun porch and align with the current setback line, thereby maintaining the existing side yard distance of approximately 10.2 feet and not encroaching further into the setback.

The Board determined that the request could be addressed through the issuance of a Special Permit for alteration of a pre- existing nonconforming structure rather than the granting of a variance. The Board noted that the proposed deck would remain well within rear yard setback requirements, would be unenclosed and uncovered, and would be consistent with similar improvements in the surrounding neighborhood.

VOTE: Motion made by Mr. Guerette, and seconded by Ms. Faulk, to approve the Special Permit pursuant to Article VIII §3.3.5 and deny the variance under Article VIII §4.1.2 as moot, subject to the standard condition that the project be completed in substantial conformity with the plans submitted to the Board.

DOCUMENTS & MATERIALS

Plot Plan of Land, dated August 19, 2023, prepared by David P. Terenzoni, P.L.S.

Plot Plan of Land, dated November 17, 2025, prepared by David P. Terenzoni, P.L.S.

Zoning Submission Drawings, dated November 18, 2025, prepared by Bond Worthington Architecture

Petition Number: ZBA-25-3 9

Premises Affected: 9 Ruggiero Way

Petitioners: T & T Luck, LLC

Relief Requested: Variance from Article VIII, §4.1.2 and/or a Special Permit under Article VIII, §3.3.5 to construct an addition that will encroach into the side yard depth requirements

Members Sitting: Oltman, Rechisky, Faulk, Keller, Guerette

Associate members Sitting: Wellikoff

SUMMARY: Haosheng Zhang, Architect for the homeowners, appeared before the Board to request an addition intended to support indoor squash practice. The addition will be situated on the right side of the house since the golf course is on that side and no neighbors.

One public comment was submitted expressing aesthetic concerns related to neighborhood character. The architect was more than willing to make the addition blend into the house and more aesthetically appealing. The Board members noted the applicant did not demonstrate a clear hardship, making the variance criteria difficult to satisfy. The Board opted to continue the matter to the February 5th meeting so the applicant could provide new drawings and more information regarding the hardship criteria.

DOCUMENTS & MATERIALS

Proposed Plot Plan, dated November 12, 2025, prepared by Hawthorne Land Surveying Services, INC.
New Construction Drawings, prepared by Haosheng Zhang, Registered Architect.

Petition Number: ZBA-25- 40

Premises Affected: 12 Bayberry Lane

Petitioners: Ryan Majewski

Relief Requested: Variances from Article VIII, §7.9.2 and/or Article VIII, §4.2.2 to construct a detached accessory dwelling unit that encroaches into the side and rear yard depth requirements

Members Sitting: Oltman, Rechisky, Faulk, Guerette

Associate members Sitting: Novaria

SUMMARY: Applicants, Leah McCan, and Homeowner Michelle Majewski, appeared before the Board. The request was a detached Accessory Dwelling Unit to serve as age-in-place housing for the homeowner’s parents. The proposed location conflicts with the accessory building setbacks. The Accessory Dwelling Unit was intentionally closer to the driveway for accessibility, efficient utility tie-ins and aesthetics.

The Board explored alternative configurations, but a pool, slope, retaining wall, and yard constraints limited placement options.

Chet Majewski, father of the homeowner, clarified spatial constraints and explained alternative areas would produce a “19-foot-wide trailer-like” layout with front yard restrictions. No abutters rejected.

VOTE: Motion was made by Guerette, and seconded by Rechisky, to approve requested Variance under VIII, §4.2.2 and to deny the requested variance under VIII, §7.9.4 as moot with the following conditions:

- 1.) Must remain in substantial conformity with plans
- 2.) Short-term rentals prohibited
- 3.) No condominium conversion, which is consistent with Article 7.9.4

DOCUMENTS & MATERIALS

Proposed Plot Plan dated October 22, 2025, prepared by Dana F. Perkins
Permit Drawings, dated January October 6, 2025, prepared by Albelly’s Manon

Petition Number: ZBA-25- 41

Premises Affected: 76 Chestnut Street

Petitioners: Lisa Defronzo

Relief Requested: Variance from Article VIII, §4.1.2 and/or a Special Permit under Article VIII, §3.3.5 to construct a second story addition that will encroach into the front and side yard depth requirements.

Members Sitting: Oltman, Rechisky, Faulk, Keller, Guerette

Associate members Sitting: Nigrelli

SUMMARY: Lisa Defronzo appeared before the board requesting a special permit for second-story modifications. Ms. Defronzo stated that the work remains within existing setbacks and does not increase the footprint.

There were no members from the public to speak on the application. The Board then proceeded to deliberate the matter. In deliberation, the sense of the Board was to allow the special permit and deny the variance as moot. The Board voted unanimously to continue its deliberation to its next meeting held on February 5, 2026, for the purpose of reviewing and voting on the final decision.

VOTE: Motion made by Mr. Guerette, and seconded by Ms. Faulk, to approve the Special Permit pursuant to Article VIII §3.3.5 and deny the variance under Article VIII §4.1.2 as moot, subject to the standard condition that the project be completed in substantial conformity with the plans submitted to the Board.

DOCUMENTS & MATERIALS:

Certified Plot Plan dated November 17, 2025, prepared by Northern Associates.

Petition Number: ZBA-25-4 2

Premises Affected: 4 Cuba Street

Petitioners: Vasili Kar pau

Relief Requested: Variance from Article VIII, §4.1.2 and/or a Special Permit under Article VIII, §3.3.5 to construct an addition that will encroach into the front and side yard depth requirements

Members Sitting: Oltman, Rechisky, Faulk, Keller, Guerette

Associate members Sitting: Lopez

SUMMARY: Homeowner, Vasili Karpau, appeared before the board requesting a special permit for a front mudroom addition and replacement/expansion of existing side deck which will turn into a kitchen extension.

There were no members from the public to speak on the application. The Board then proceeded to deliberate the matter. In deliberation, the sense of the Board was to allow the special permit and deny the variance as moot. The Board voted unanimously to continue its deliberation to its next meeting held on February 5, 2026, for the purpose of reviewing and voting on the final decision.

VOTE: Motion was made by Guerette, and seconded by Rechisky, to approve requested Special Permit under Article VIII, §3.3.5 and deny the Variance under VIII §4.1.2 as moot.

DOCUMENTS & MATERIALS:

Certified Plot Plan, dated November 24, 2025, prepared by Northern Associates.

CONTINUED DELIBERATIONS:

Petition Number: ZBA-25- 36

Premises Affected: 17 Florence Street

Petitioners: Christopher Knight

Relief Requested: Article VIII §4.1.2 and/or a Special Permit under Article VIII, §3.3.5 to construct two decks that will encroach into the rear yard depth requirements.

Members Sitting: Oltman, Rechisky, Faulk, Keller, Guerette

Associate members Sitting: Nigrelli

SUMMARY: Board had no comments or questions regarding the draft decision

VOTE: Ms. Rechisky made a motion, and Ms. Faulk seconded, to approve the decision as written. All in favor (5-0)

DOCUMENTS & MATERIALS

Draft Decision

Petition Number: ZBA-25- 37

Premises Affected: 61 Chestnut Street

Petitioners: Mark & Molly Zytka vicz

Relief Requested: Special Permit under Article VIII, §3.1.3.F.4 to create a Family Dwelling Unit

Members Sitting: Oltman, Rechisky, Faulk, Keller, Guerette

Associate members Sitting: Wellikoff

SUMMARY: Board had no comments or questions regarding the draft decision

VOTE: Ms. Rechisky made a motion, and Ms. Faulk seconded, to approve the decision as written. All in favor (5-0)

DOCUMENTS & MATERIALS

Draft Decision

DISCUSSION ITEMS AND OTHER BUSINESS:

Ms. Rechisky made a motion, and Ms. Faulk seconded, to approve the minutes dated December 4, 2025, as written. All in favor (5-0).

Ms. Oltman reminded Board Members to complete the required Ethics training and to review the 40B handbook.

VOTE TO ADJOURN

There being no other business, Ms. Rechisky made a motion to adjourn the meeting, Ms. Faulk seconded the motion. The Board voted unanimously to adjourn at 7:45pm