Present were: Elizabeth Oltman, Chair; Carol McDonough, Clerk; Kathy Faulk, Lisa Rechisky and Daniel Casper, Members; Brian Corrigan, Denise Bordonaro and Michael Novaria, Associate Members.

The meeting opened at 6:30 p.m. Oltman gave a procedural overview.

Petition Number: Z-19-57
Premises Affected: 233 Lowell Street
Petitioner: Andover Animal Hospital
Relief requested: for a special permit under Art., VIII §3.1.3.B.5 &/or for variance from Art. VIII, §3.1.3.C.15 and to modify Decisions 1723 & Z-16-59 to remove certain conditions so that the animal hospital may operate indefinitely
Members Sitting: Oltman, McDonough, Faulk, Casper, Rechisky

This is a continued deliberation for the purpose of reviewing the draft findings and conditions as voted on at the last monthly meeting. There being no changes to the draft conditions and findings, Casper made a motion to approve the decision as drafted. Faulk seconded the motion and the Board voted unanimously to approve the decision as drafted.

Petition Number: Z-19-62
Premises Affected: 83 Pine Street
Petitioner: Braude
Relief requested: special permit under Art., VIII §3.3.5 &/or for variance from Art. VIII, §4.1.2 to remove a portion of the house to construct a 1-story addition at the rear that will not meet the minimum side yard depth requirement
Members Sitting: Oltman, McDonough, Faulk, Casper, Rechisky

This is a continued deliberation for the purpose of reviewing the draft findings and conditions as voted on at the last monthly meeting. Casper noted that on Page 3 in the Findings, paragraph 3 the reference to an increase in the encroachment is incorrect. He proposed to change the language to read, “The Board finds that the proposed addition will not increase the non-conforming nature.” In the following paragraph Casper proposed striking out everything up until the second line to start the sentence with, “The Board finds that the proposed addition will not be substantially more detrimental.” There being no other changes, Rechisky made a motion to approve the decision as amended. McDonough seconded the motion and the Board voted unanimously to approve the decision as amended.

Petition Number: Z-19-63
Premises Affected: 19 Glenmeadow Road
Petitioner: Braude
Relief requested: variance from Art. VIII, §4.2.4 to install a swimming pool in the front yard area.
Members Sitting: Oltman, McDonough, Faulk, Casper, Rechisky
This is a continued deliberation. Oltman noted that the legal ad dates need to be inserted into the decision.
Bordonaro commented that we can remove reference on page 1 to the certificate number since the land is not
registered. There being no other changes, Casper made a motion to approve the decision as amended. Rechisky
seconded the motion & the Board voted unanimously to approve the decision as amended.

Petition Number: Z-19-64
Premises Affected: 7 Heather Drive
Petitioner: SAI
Relief requested: special permits under Art., VIII §3.3.5 &/or3.3.7 &/or for a variance from Art. VIII,
§4.1.2 to raze an existing single family dwelling and construct a new one on a lot that lacks the minimum
required area.
Members Sitting: Oltman, McDonough, Faulk, Casper, Rechisky

This is a continued deliberation meeting to discuss and vote on the draft decision. Oltman brought up the
question on the language ‘not applicable’ versus ‘moot’ in relation to the Board’s disposition of requested relief.
Oltman then reiterated that the decision be amended to read that the Special Permit under 3.3.7 denied as not
applicable, the variance denied as moot and the Special Permit under 3.3.5 granted. McDonough made a motion
to approve the decision as amended. Rechisky seconded the motion and the Board voted unanimously to
approve the decision as amended.

Petition Number: Z-19-24 (already opened) & Z-19-46
Premises Affected: 161 + 163 Andover Street
Petitioner: Town of Andover
Relief requested: variance from Art. VIII, §4.1.2 to construct a fire station that will not meet the
minimum yard depth requirements
Members Sitting: Oltman, McDonough, Faulk, Rechisky, Corrigan

Casper recused himself and left the room for the duration of the deliberation. This is a deliberation meeting to
review the draft decision. The draft distributed to the Board at the meeting includes Town Counsel’s revisions.
The administrative secretary distributed a document list earlier in the day by email and will put it into the most
recent draft. Oltman noted that the language related to the Fire Rescue Chief Mansfield’s discussion is included
and the Furlong v. Zoning Board of Appeals case regarding the public safety aspect of the variance approval.
The Board noted that the variance for the front and rear setbacks was granted, even if the front meets the
average setback. The document has been updated to include the most recent revisions of the plan. Oltman gave
the plan of record to the administrative secretary. There being no other discussion, Rechisky made a motion to
approve the decision as drafted with Town Counsel’s revisions. Corrigan seconded the motion and the Board
voted unanimously to approve the decision as drafted and amended.

Oltman and Casper left the room for the following public hearing.

Petition Number: Z-19-79
Premises Affected: 22 River Street
Petitioner: Carroll
Relief requested: modification of Decision Z-18-130 and/or for variances from Art. VIII, §4.1.2 &/or
§4.1.3.2.b to construct stairs that will encroach into minimum front yard depth requirement.
Members Sitting: Rechisky, Faulk, McDonough, Corrigan, Bordonaro

Rechisky is Acting Chair and designated McDonough, Faulk, Bordonaro, and Corrigan to sit on the case. The
Board received a memo from the Ballardvale Historic District Commission dated 7/11/19 informing that they
had not approved the modifications. Tom Carroll represented himself. The Board suggested that they can
continue the hearing, if he so requests, in order to for BVHDC to consider the modifications. Carroll explained
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that a variance from the front setback was granted by the ZBA. But due to ledge on the property, the foundation collapsed and they have to change the footprint. This forced them to keep the original front bump out. The difference is 9” closer to the front lot line. Due to the timing of the BVHDC’s meeting on 8/7/19 and ZBA’s meeting on 8/1/19, the ZBA would have to continue it to the September meeting. Carroll explained that the abutter, who has a field stone foundation, didn’t want them to blast the ledge. The redesign has to be reviewed by BVHDC. Therefore, Carroll requested to continue the public hearing to the September meeting. Corrigan made a motion to continue to the September meeting. McDonough seconded the motion & the Board voted unanimously to continue the hearing to the September meeting.

Casper & Oltman returned to the meeting.

Petition Number: Z-19-80
Premises Affected: 3 Robandy Road
Petitioner: Howe
Relief requested: special permit under Art. VIII, §3.3.5 &/or for variance from the requirements of Art. VIII, §4.1.2 to construct a 2-car garage addition that will not meet the minimum rear yard depth requirement
Members Sitting: Oltman, McDonough, Faulk, Rechisky, Casper

Architect Mark Yanowitz with J.D. LaGrasse & Associates represented the Howes. Also present was Mr. Howe. Yanowitz explained that the house sits on an L-shaped lot with an existing 1-stall garage that has an 18.5’ rear setback. The proposed 2-car garage would be setback 22’ 7” from the rear lot line. Two letters of support from #1 and #5 Robandy Road were submitted to the Board. The southern abutter, who is out of town, gave his verbal support to the Howes. The proposed addition will not be detrimental to the neighborhood. Richard Howe identified himself to the Board. There being no questions or comments from the Board or the public, Faulk made a motion to waive a site view and to close the public hearing. McDonough seconded the motion & the Board voted unanimously to waive the site view and to close the public hearing. The Board then proceeded to deliberate. The Board felt that a special permit is appropriate and the variance is moot. Faulk made a motion to approve the special permit under 3.3.5 and to deny the variance as moot. Casper seconded the motion & the Board voted unanimously to approve the special permit and to deny the variance as moot. Casper made a motion to continue the deliberation for the purpose of writing a decision. McDonough seconded the motion & the Board voted unanimously to continue deliberation for the purpose of writing a decision. Faulk will write the decision.

Petition Number: Z-19-81
Premises Affected: 10 Chester Street
Petitioner: Stanford & Loureiro
Relief requested: special permit under Art. VIII, §3.3.5 &/or for variance from the requirements of Art. VIII, §4.1.2 to construct a 1-story addition that will not meet the minimum front yard depth requirement
Members Sitting: Oltman, Faulk, Casper, Rechisky, Keller

Architect Mark Yanowitz of J.D. LaGrasse & Associates represented the petitioners. He gave an overview of the proposal to construct non-conforming additions to the northwest corner of the historic home to improve the house. The addition will not be any closer to the street than the existing 3-season porch, which is in disrepair. Wetlands and a sloping rear yard affect placement of the addition. A BVHDC letter of support / approval was submitted. Ellen Stanford informed the Board that they spoke with neighbors. None voiced any opposition or concern. There being no other questions or comments from the Board or the public, Faulk made a motion to waive a site view and to close the public hearing. McDonough seconded the motion and the Board voted unanimously to waive the view and to close the hearing. The Board then proceeded to deliberate. The Board agreed that a special permit is appropriate and the variance is moot. Casper made a motion to approve a special permit and to deny the variance as moot. McDonough seconded the motion and the Board voted unanimously to
approve the special permit and to deny the variance as moot. Casper then made a motion to continue the deliberation to the next meeting for the purpose of writing a decision. McDonough seconded the motion & the Board voted unanimously to continue the hearing to the next month’s meeting. Oltman will draft the decision.

Petition Number: Z-19-63  
Premises Affected: 19 Glenmeadow Road  
Petitioner: Harrington  
Relief requested: variance from Art. VIII, §4.2.4 to install a swimming pool in the front yard area.  
Members Sitting: Oltman, McDonough, Faulk, Casper, Rechisky  

Oltman informed the Board that the applicant had sent an email with photographs of the property as a follow up to the public hearing last month. The fence has been erected.

There being no other business of the Board, Corrigan made a motion to adjourn the meeting. Faulk seconded the motion and the Board voted unanimously to adjourn the meeting at 7:08 pm.

Respectfully submitted,
Barbara Burke, Zoning Administrative Secretary