

The Hall, 2nd Floor, Memorial Hall Library, 2 N. Main Street, Andover

Present were: Brown (Acting Chair); Jeton (Acting Clerk); Baime, Boness & Magenheim (Associate Members).

The meeting opened at 7:08 p.m.

Petition No.: 3993

Premises affected: 160 High St

Petitioner: Adams

Members: Brown, Jeton, Baime, Boness, Magenheim

Mike McNeil, builder, presented the petition for Bryan Adams, owner, who was also present. The request for a variance from 4.1.2 &/or a special permit from 3.3.5 is to remove an existing non-conforming deck to rebuild and extend it. The existing and proposed decks fall within the minimum front yard depth of 35' for the SRA District. The extension of the deck will be 4' to the rear, not increasing the existing non-conformity. Mr. Adams stated that he spoke with the abutter at 158 High St. They did not voice any opposition. The house was built in 1760; however the construction date for the deck is unknown. There was no one else present regarding the proposal. Jeton made a motion to waive the view & close the public hearing. Baime seconded the motion & the Board voted (5-0) to waive the view & close the hearing. The Board then proceeded to deliberate. Brown stated his opinion that a special permit is warranted due to the age of the house & its proximity to the street. Baime made a motion to grant a special permit under Section 3.3.5 with the condition that the new deck be constructed in accordance with the plot plan submitted with the application and to deny the variance from 4.1.2 as moot. Boness seconded the motion & the Board voted (5-0) to grant the special permit and deny the variance as moot. Baime volunteered to write the decision.

Petition No.: 3994

Premises affected: 98 Elm St

Petitioner: DiMeco

Members: Brown, Jeton, Baime, Boness, Magenheim

Leland & Suzanne DiMeco were present on their own behalf requesting a variance from 4.1.2 &/or a special permit under 3.3.5 to construct an 8'x8' single story addition to the rear of the existing porch. They submitted a plot plan more accurately depicting the proposal. They noted that they were granted relief for a similar project in 2010, but were unable to commence construction prior to the expiration of the decision. The current proposal includes the same 8'x8' addition for a first floor bathroom. It does not include the formerly proposed deck, but they do want the rear door access directly to the rear yard that was not allowed in the prior approval. Mr. DiMeco stated that the plans that they submitted incorrectly depict a window at the rear. The addition will also include 4 steps to the yard, although they are not on the plan. The addition will not have a foundation, but will be constructed on lally columns. Jeton pointed out that one of the prior approval's conditions required the existing 6' fence to be extended to the corner of the existing porch. The abutter at 100 Elm St., Delores Henry, voiced her support after viewing the plot plan. Brown noted that condition one from the prior approval still applies (that the addition shall not be constructed any closer to the side lot line than 4.83') and condition four (extend the existing fence) is already in place. The DiMeco's had no concern keeping these two conditions. Jeton made a motion to waive the site view & close the public hearing. Magenheim seconded the motion & the Board voted (5-0) to waive the site view & close the public hearing. The Board then proceeded to deliberate. Jeton noted that the current proposal is a material change from the prior approved construction. Jeton made a motion to grant the special permit with the condition that the addition be constructed in conformance with the submitted plans and be no closer than 4.75' to the side lot line. Brown pointed out that the plans submitted with the application are incorrect, but the decision can specify the dimensions of the addition. Jeton suggested the condition that the addition cannot extend more than 8' off the rear of the porch. Brown suggested language specifying that the northerly wall of the addition shall be flush with the northerly wall of the porch, and the easterly wall and shall be flush with the rear of the house, and that a rear door with steps sufficient to comply with code may be constructed. Baime made a motion to grant a variance with the aforementioned

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conditions. Boness seconded the motion & the Board voted (5-0) to grant the variance with conditions. Brown will write the decision.

Petition No.: 3995

Premises affected: 46 Main St

Petitioner: Fisichelli's

Members: Brown, Jeton, Baime, Boness, Magenheim

Nina Fisichelli Gaffny represented herself in her request for a special permit under 3.1.3.C.12.b to allow a fast food restaurant in the General Business District. Mrs. Gaffny read a statement explaining her proposed bakery operation which is a satellite of her main bakery in Lawrence. Brown noted that she had previously been approved for the same operation at a different location. Mrs. Gaffny informed the Board that she will now pursue the satellite bakery at 46 Main Street instead. Baking will be done in Lawrence with the Andover location only baking cupcakes on site. Jeton voiced concern over deliveries coming through the proposed employee toilet room. The Board discussed with the applicant the options for deliveries, including through the front & side doors. Gaffny noted that the plan depicts a window where the side door should be shown. Deliveries will be either before or after hours via Chestnut Street, behind Royal Jewelers. The frequency of deliveries depends on how often they need product to be delivered to replenish the satellite location. A van will deliver products. The board also discussed trash disposal & the location of a dumpster, as well as how it will be emptied with such restricted access to the rear of the unit, in addition to hours of operation. Mrs. Gaffny stated that the Lawrence location is open from 10 am – 7 pm. They requested to be open from 8 am – 8 pm to allow some flexibility, noting that during the summer they are closed on Sunday. Mr. Tim Gaffny submitted a letter from the abutting tenant, Lisa Nardone, and the owner, Irving Kaplan, stating their agreement to allow the Gaffny's to use the space for the employee tenant, although it is not part of their lease-area. It will not be a shared bathroom, but exclusive to the bakery. The Board voiced concern over easement access related to deliveries and trash removal & the lack of detail on the plans (no vent hoods or baking). Mr. Gaffny stated that only a convection oven will be used on site. There was no one present from the public. Baime made a motion to waive the site view & close the public hearing. Jeton seconded the motion & the Board waived a site view & closed the hearing. The Board then proceeded to deliberate. Baime made a motion to grant a special permit with the condition that modifications of the space be done in accordance with the plans and that the special permit is specific to Fisichelli's and is non-transferable and that the hours of operation shall not be any longer than 8 am – 8 pm seven days per week. Boness seconded the motion and the Board voted (5-0) to grant the special permit with conditions. Brown will write the decision.

There being no further business of the Board, Baime made a motion to adjourn the meeting. Boness seconded the motion and the Board voted (5-0) to adjourn the meeting. The Board then adjourned the meeting at 8:01 p.m.