

The meeting opened at 7:18 p.m.

Present were: Anderson (Chair); McDonough (Clerk); Boness (Member) Baime & Bargnesi (Associate Members). (Member Brown was present, but not participating.)

Other Business

Bancroft School Building Committee Update: Tom Deso, Chair of the School Building Committee, explained that committee members have been attending Town board meetings in order to explain the additional \$5.7 million being requested to finish construction of Bancroft School. All contracts have been awarded & due to an appeal by two abutters causing a 1 year delay, the cost to fulfill the contracts has increased. Construction is expected to be completed by April 2014. At 7 p.m. on Monday, February 11, 2013 in the Collin's Center, a Special Town Meeting will be held to vote on the request. There were no comments or questions either from the Board or the public regarding the update.

Anderson disclosed that he and Mr. Dillman, a member of the public present at the meeting, are friends. Mr. Dillman stated that he is present regarding 15 Pine Street.

Anderson asked the petitioners/applicants if any of them would agree to a 4-member board since there were not 5 members available yet (Baime was en route from Boston). Paul Mucci, engineer for the wireless cases, agreed to a 4-member board, as did Don Robb, an Andover Historical Society board member.

Brown left the room.

Petition No.: 4020

Premises affected: 97 Main St

Petitioner: Andover Historical Society

Members: Anderson (Chair); McDonough (Clerk); Boness (Member) & Bargnesi (Associate Member)

Don Robb, Andover Historical Society (AHS) board member, agreed to a 4-member board for the record. He presented the AHS' request for a variance to erect a free-standing sign that will exceed the maximum allowed height and area. The property is in the GB district. The proposed sign will replace a previous wooden sign in the same location. The previous sign was removed a couple of years ago & was the same size as the current proposal. External illumination will be provided by gooseneck lamps. Robb explained that the higher sign is needed to be visible above the historic fence. Robb believes that the AHS Executive Director has consulted with DRB & that the previous sign had a variance, although no evidence of a variance has been found. There were no public comments or questions. McDonough made a motion to close the public hearing. Boness seconded the motion & the Board voted (4-0) to close the public hearing. The Board then proceeded to deliberate. McDonough made a motion to approve a variance from Art. VIII, §5.2.8.1 to allow the erection of a free-standing sign that will exceed the maximum allowed height with the hardship being the historic structures on the property (building & fence) thus requiring a sign that is visible above the fence. There will be no adverse effects and lighting is consistent with the historic character of the neighborhood. Boness seconded the motion & the Board voted (4-0) to grant the variance. Boness will write the decision.

Anderson asked Attorney Grossman, counsel for the wireless applications, on behalf of Associate Member Bargnesi, if there were any objections to her participation, since she had been employed by American Tower 1 year ago. Grossman agreed to her participation as long as she can be impartial. Anderson told Bargnesi to file a Section 23 disclosure statement.

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The Board then approved the following minutes:

1/3/13, 7 pm (Anderson, McDonough, Boness, Bargnesi) – McDonough made a motion to approve the minutes of 1/3/13 7 pm. Bargnesi seconded the motion & the Board voted (4-0) to approve the minutes of 1/3/13 7 pm.

1/3/13 8 pm (McDonough, Boness, Bargnesi, Brown – who re-entered the room for the purpose of approving minutes only) – Boness made a motion to approve the minutes of 1/3/13 8 pm, Bargnesi seconded the motion & the Board voted (4-0) to approve the minutes of 1/3/13 8 pm.

Baime arrived at 7:40 p.m.

Anderson divided the proceedings into two meetings: Meeting A & Meeting B.

Meeting A

Petition No.: 4014

Premises affected: 4 Arundel St

Petitioner: Poor

Members: Anderson (Chair); McDonough (Clerk); Baime, Boness & Bargnesi (Associate Members)

Chris & Renee Poor represented themselves in the continued public hearing to construct additions & alterations. They submitted a revised plot plan & drawings. They reviewed the changes highlighting that the design has changed so that variance relief is not necessary. McDonough made a motion to close the public hearing/ Bargnesi seconded the motion & the Board voted (5-0) to close the public hearing. The Board then proceeded to deliberate. McDonough made a motion to approve the special permit to construct additions & alterations to the existing dwelling at 4 Arundel St as substantially shown on the revised certified plot plan & revised addition / renovation drawings dated 1-3-13 finding that the additions & alterations are not substantially more detrimental to the neighborhood because the additions on the right & left sides as viewed from the street do not require a variance since they will not further encroach into the side or front or rear yard setbacks. Boness seconded the motion & the Board voted (5-0) to approve the special permit with conditions. Bargnesi will write the decision.

Petition No.: 4019

Premises affected: 165 & 167 Greenwood Rd

Petitioner: Belanger

Members: Anderson (Chair); McDonough (Clerk); Baime, Boness & Bargnesi (Associate Members)

Attorney Mark Johnson, 12 Chestnut St. in Andover, and Bill McLeod, of 1 East River Place, Methuen, presented the petition to the Board. The request is for a variance from Art. VIII, §4.1.2 to reconfigure the lot line between the two lots in question and a variance from §4.2.2 to allow the continued existence of a detached garage at 167 Greenwood Rd. Premises affected are located in the SRB District. Mr. Belanger, owner, was also present. Johnson submitted photos of the existing Belanger house & detached garage. The lots are abutted to the rear by Route 495, which was constructed in the 60's forcing the Belanger's house to be moved to its current location & taking some of their land. It appears that according to the 1961 layout of Greenwood Rd & subsequent plans that the road width has increased over the years, taking yet more land from the Belangers. However, the taxes have continually been assessed as buildable lots (the vacant lot is assessed at \$248,000 and they've paid \$46,000 in taxes since 1993). A recent surveyed revealed that the vacant lot has less than the minimum required area. Johnson submitted assessor's & tax collector's records. The Board discussed the option of changing the lot line, but maintaining a conforming side setback for the detached garage, the minimal change this would have on the lot areas (less than 100 sq. ft.) and the inclusion of street lines on the most recent plan to allow for future sidewalk construction. The Board also discussed the fact that the detached garage was built after the house was moved as well as the size of the proposed house for the vacant lot. No further

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zoning relief would be required, save for the lot area. Builder, Doug Ahern, informed the Board that the proposed house would be 2600 sq. ft. with a garage underneath. There being no further question or comments from the Board or the public, McDonough made a motion to close the public hearing. Boness seconded the motion & the Board voted (5-0) to close the public hearing. The Board then proceeded to deliberate. Anderson voiced concern over granting a variance for the detached garage, stating that the plan will have to be revised to maintain a conforming setback. Baime made a motion to approve a variance from Art. VIII, §4.1.2 to reconfigure the boundary line between lots A-1 & B-1 in such a way that the side setback variance from §4.2.2 is not required for the garage and allowing lot A-1 to have less area ~125,000 sq ft, that the hardship relates to the lots, that since their creation, Route 495 was constructed & Greenwood Road was expanded taking land from the Belangers, the shape of lot A has changed and the Town has assessed lot A-1 as buildable for at least two decades and no adverse effect will result on the neighborhood and they will be able to build a new house on the vacant lot without a variance for setbacks. Boness seconded the motion & the Board voted (5-0) to approve the variance from Art. VIII, §4.1.2 to reconfigure the lot line. McDonough then made a motion to deny the variance from Art. VIII, §4.2.2 to allow the continued existence of the detached garage on lot B-1 that is not necessary due to the previous motion. Boness seconded the motion & the Board voted (5-0) to deny the variance from §4.2.2. Baime will write the decision. Doug Ahern will submit the elevations for the record. Johnson will submit the revised plan (2).

Anderson disclosed that he is a friend of one of the abutters to 15 Pine St noting that he can be impartial. Mr. Gordon's attorney, Pamela Schwartz, asked Anderson to recuse himself from the hearing. The matter was tabled to later in the meeting.

Approval of Minutes of 10/4/12 (Anderson, McDonough, Baime)

Baime made a motion to approve the minutes of 10/4/12. McDonough seconded the motion & the Board voted (3-0) to approve the minutes of 10/4/12.

McDonough made a motion to close Meeting A. Baime seconded the motion. The Board voted (5-0) to close Meeting A.

Anderson asked the Board if they wish to invite Special Counsel to an executive session on March 7th for the purpose of a status update on pending litigation.

Anderson left the remainder of the meeting.