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The meeting opened at 6:32 p.m.

Present were: Brown (Chair); Magenheim (Clerk); Oltman, Rechisky & Wilson (Associate Members).

**Petition No.: Z-15-15**

**Premises affected: 8 Avon St**

**Petitioner: Ferraro**

**Relief requested: special permit 3.3.5 &/or a variance 4.1.2 to construct a second story addition on a non-conforming house as to side setback**

**Present were: Brown (Chair); Magenheim (Clerk); Oltman, Rechisky & Wilson (Associate Members). Oltman sat in place of Boness; Rechisky sat in place of McDonough & Wilson sat in place of Bargnesi.**

Architect Amy Bloom presented the application on behalf of the owner, Amy Ferraro, who was also present. The existing home was built in 1917 on a lot with insufficient frontage (55'). The existing house is 7.7' from the southerly side lot line. The addition will have the same setback. Kristie Bride, abutter at 5 Stratford Rd., voiced no concern but requested a private conversation with the owner regarding noise mitigation. Ms. Ferraro agreed to discuss this with Mrs. Bride. There being no other questions or comments from the Board or the public, Rechisky made a motion to waive a site view & close the public hearing. Oltman seconded the motion & the Board voted (5-0) to waive the view & close the hearing. The Board then proceeded to deliberate.

Wilson pointed out that the proposed addition is in character with the neighborhood. Brown suggested that the Board find that the house is a pre-existing, non-conforming structure, the proposed addition will not be a detriment & is consistent with the neighborhood and to grant the special permit with the usual conditions that it be constructed in substantial conformance with the plans submitted and to deny the variance as moot. Oltman made the motion to grant the special permit with conditions & deny the variance as moot. Magenheim seconded the motion & the Board voted (5-0) to grant the special permit & deny the variance as moot. Oltman will write the decision.

**Petition No.: Z-15-17**

**Premises affected: 77 Main St**

**Petitioner: NE Juice**

**Relief requested: special permit 3.1.3.C.12.b to run a juice bar, classified as a fast-food restaurant**

**Present were: Brown (Chair); Magenheim (Clerk); Oltman, Rechisky & Wilson (Associate Members). Oltman sat in place of Boness; Rechisky sat in place of McDonough & Wilson sat in place of Bargnesi.**

Attorney Bob Lavoie, with an office at 12 Chestnut St, Andover, represented applicants Michael Reidy & Franco Lozano. Also present were Rick Reidy, investor, & Leslie Asnoian, property owner. Lavoie gave an overview of the request for a special permit to operate a juice bar that will sell fresh cold-pressed juice, smoothies, coffee, cider, oatmeal, toast, & other healthy foods. The unit was previously granted a special permit in October 2012 for a frozen yogurt establishment that never opened. Most recently a mailing center operated in the unit. An IDR was held in January with no major concerns raised by Town staff. There will be a maximum of 20 seats with 2 restrooms and shared on-site parking. Michael Reidy, 3 Blueberry Circle, submitted photos of similar juice bars & gave an overview of the business model. The Board discussed the discrepancies in the plans and there was discussion regarding seating. Reidy confirmed that the plan accurately depicts the maximum of 16 seats. There will be no outdoor seating at this time. The proposed hours of operation will be 7 days per week from 6 am until 8pm. The Board also discussed delivery schedules, projected to occur via the front door between 5:30 – 6 am approximately 3 times per week. Waste management will be via on-site dumpsters for paper goods & composting off site. Signage will be installed in the existing block on the façade and conform to the bylaw. Lavoie pointed out that detailed findings for a special permit are included in the application; specifically that the proposed use enhances the neighborhood & is a unique business that will attract more people to

downtown. There being no other questions or comments from the public or board, Magenheim made a motion to close the public hearing. Oltman seconded the motion & the Board voted (5-0) to close the public hearing. The Board then proceeded to deliberate.

Rechisky suggested extending the allowed closing time to 9 pm. The Board of Health will deal with composting concerns. Brown suggested that if approved the special permit shall run with the applicant/tenant and that the hours of operation may be from 6 am until 9 pm. Additionally, signage shall conform to the zoning bylaw. Magenheim made a motion to grant the special permit under Art. VIII, §3.1.3.C.12.b with the appropriate findings and the aforementioned conditions. Oltman seconded the motion and the Board voted (5-0) to grant the special permit with conditions. Wilson will write the decision.

**Petition No.: Z-14-185**

**Premises affected: 191 Holt Rd**

**Petitioner: Black Hawk Builders**

**Relief requested: Special Permit 3.3.5 &/or a variance 4.1.2 to raze an existing nonconforming dwelling & construct a new dwelling on a lot with insufficient area & frontage**

**Present were: Brown (Chair); Magenheim (Clerk); Oltman (for Bordonaro who sat for Boness), Rechisky (for Bargnesi) & Wilson (for McDonough) (Associate Members)**

Rechisky exercised the Mullin Rule for the portion of the January 8, 2015 meeting that she had missed. Mike Tryder, of Black Hawk Builders, submitted revised plans and noted that the garage will be 4' further back than shown on the revised plot plan. He noted that the plot plan still needs to be revised and stamped when corrected. Rob Bramhall, Moreland Ave abutter & architect, assisted Tryder with the revisions based on abutters' concerns from the last meeting. Tryder pointed out that the currently proposed house is 3800 square feet, or 4200 sf including the attic. The unfinished attic is to be used as storage. The revised height is 32'. Greg & Joyce Ekstein, abutters at 9 Moreland Ave, voiced concern over the height, but stated that if it is consistent with the neighborhood, it is ok. Mr. Ekstein requested vegetative screening along the shared rear lot line. Tryder agreed to discuss landscaping & buffer plans with the Eksteins. Rechisky suggested repairing or removing the existing fence. Oltman suggested keeping mature trees. In relation to the concerns over basement height & water table, Tryder noted that the basement ceiling height is lower. There being no other questions or concerns raised by the Board or the public, Rechisky made a motion to close the public hearing. Oltman seconded the motion & the Board voted (5-0) to close the hearing. The Board then proceeded to deliberate.

Brown suggested that the Board make the appropriate findings to grant a special permit under 3.3.5 with the conditions that the house be constructed in substantial conformance with the plans submitted tonight, including the plot plan (which is to be revised & submitted) and that the structure be built in substantial conformance with the revised plans submitted tonight especially with the correct revision date, building size, massing, & orientation. Rechisky made a motion to grant the special permit with the appropriate findings and the aforementioned conditions & to deny the requested variance as moot. Oltman seconded the motion & the Board voted (5-0) to grant the special permit & deny the variance as moot. Brown will write the decision.

Minutes of 2/5/15 with Brown's revisions as submitted by email: Magenheim made a motion to approve the revised minutes of 2/5/15. Oltman seconded the motion & the Board voted (5-0) to approve the 2/5/15 minutes as revised.

There being no other business of the Board, Magenheim made a motion to adjourn the meeting. Oltman seconded the motion & the Board voted unanimously to adjourn the meeting at 7:52 p.m.