



**MINUTES OF THE ZONING BOARD OF APPEALS  
ANDOVER, MASSACHUSETTS**

**Conference Room A, 3rd Floor, Town Office, 36 Bartlet Street, Andover, MA 01810  
February 4, 2016**

The meeting opened at 7:00 p.m.

Present were: David W. Brown, Chair; Neil Magenheim, Clerk; Carol C. McDonough and Elizabeth Oltman, Members; Tara Wilson and Kathy Faulk, Associate Members.

Brown gave an overview of the Zoning Board procedure and stated that the Board had received a Request for Determination on a Notice of Project change. He suggested holding it until later in the meeting, once the proponent had arrived.

**Petition Number: Z-15-122**

**Premises Affected: 165 Haverhill Street**

**Petitioner: Lawrence General Hospital @ YMCA**

**Relief requested: variance §§5.2.8.1.A & b &/or special permit §§5.2.5.1 & 5.5.5.3 to erect more than the allowed number of signs & to internally illuminate said signs**

**Members sitting: Brown, Magenheim, McDonough, Oltman, Faulk (for vacant seat)**

**Alternate: Wilson**

This is a continued deliberation to consider and vote on the draft decision prepared by Faulk. The Board had no comments or changes to make to the draft approval with conditions. McDonough made a motion to approve the findings in the draft and to grant a variances from Art. VIII, §5.2.8.1.a & b and 5.2.5.1 and to deny the requested variance from Art. VIII, §5.2.5.3 (for internal illumination outside of operating hours). Magenheim seconded the motion & the Board voted (5-0). Brown signed the final copy of the decision to be filed with the Town Clerk.

**Petition Number: 3740**

**Premises Affected: 69 North Street**

**Petitioner: 69 North Street LLC**

**Relief requested: Pursuant to 760 CMR 56.05 (11)(a) the Board will consider the “Notice of Project Change” filed by 69 North Street, LLC on February 2, 2016, to determine whether the proposed changes to the Comprehensive Permit Project known as Northfield Commons are substantial or insubstantial.**

**Members sitting: Brown, Magenheim, McDonough, Oltman, Wilson (for vacant seat)**

**Alternates: Bordonaro, Faulk**

Dave Murray, principal of 69 North Street LLC, presented his request for a determination on a Notice of Project Change, specifically that the Board find insubstantial the reassignment of one unit as affordable. Two units, 23 & 25, were inadvertently switched. The Comprehensive Permit Decision, #3740, designated #23 as affordable, but #25 was sold as affordable. Murray noted that the interior finishes are not identical, but the square footage and unit layout are. The mistake was discovered when an affordable unit went to close and the taxes were for that of a market-rate unit. Brown reminded the Board that they need to determine if the change is substantial. The Board confirmed with Murray that the number of affordable units has not changed. Brown noted that he feels the change is insubstantial & that he drafted a determination to file if the Board votes that the change is

insubstantial. Oltman made a motion to make a finding that the proposed change is insubstantial and to approve the draft finding. McDonough seconded the motion and by roll call the Board voted as follows:

Wilson – aye

Oltman – aye

McDonough – aye

Magenheim – aye

Brown – aye

The following documents and materials were received by the Board and considered at the public meeting:

- "Notice of Project Change Comprehensive Permit #3740" submitted by David Murray, 69 North Street LLC, dated and received by the Board on February 2, 2016

**Petition Number: Z-15-137**

**Premises Affected: near 350 Lowell Street**

**Petitioner: Verizon**

**Relief requested: special permit §6.1 to install CRAN on existing utility poles throughout town within the Town right-of-way**

**Members sitting: Brown, Magenheim, McDonough, Oltman, Bordonaro (for vacant seat)**

**Alternates: Wilson**

This is a continued deliberation to consider and vote on the draft decision prepared by Brown to approve the single CRAN installation near 350 Lowell Street with the conditions:

1. that it be installed in substantial conformance with the plans and specifications submitted with the application and;
2. subject to approvals / permits with jurisdiction over such installations;

and to deny without prejudice the request for the installation of a town-wide CRAN.

Oltman suggested striking out the language on page 9 regarding the Board's disappointment with the lack of Town Staff input. Oltman made a motion to approve the findings and the draft decision with the aforementioned striking of language on page 9 and to grant a special permit for one (1) CRAN installation near 350 Lowell Street. Magenheim seconded the motion and the Board voted (5-0) to approve the single CRAN installation with conditions and to deny the town-wide CRAN without prejudice.

### **Approval of Minutes of 1/7/16:**

Brown noted that he made revisions that were submitted by email. McDonough made a motion to approve the minutes of 1/7/16 as revised by Brown. Faulk seconded the motion and the Board voted (6-0) to approve the minutes as revised.

### **Discussion Items:**

Revised ZBA Rules & Regulations – Brown presented his final draft of the revised ZBA Rules & Regulations, noting that there is new or revised language in sections pertaining to: quorum, variance & special permit extensions, certified plot plan requirement, decision templates, and drafting of decisions prior to a public hearing. McDonough made a motion to approve the Rules & Regulations as revised. Oltman seconded the

motion & the Regular Board Members (Brown, Magenheim, Oltman, McDonough) voted (4-0) to approve the Rules & Regulations as revised.

There being no other business of the Board, Magenheim made a motion to adjourn the meeting. McDonough seconded the motion and the Board voted unanimously (6-0) to adjourn the meeting at 8:28 p.m.

Respectfully submitted,  
Barbara Burke  
Administrative Secretary