



**MINUTES OF THE ZONING BOARD OF APPEALS  
ANDOVER, MASSACHUSETTS  
Virtual Meeting Broadcast by:  
Andover TV, Comcast Channel 22, Verizon Channel 45  
and online at: [www.andovertv.org](http://www.andovertv.org)  
January 7, 2021**

Participating remotely via Webex were: Elizabeth Oltman, Chair; Kathy Faulk, Acting Clerk; Ellen Keller and Lisa Rechisky, Members; Michael Novaria and Daniel Lopez, Associate Member; Barbara Burke, Zoning Administrative Secretary.

The meeting opened at 6:33 p.m. Chair Oltman gave an overview of the meeting procedure and provided the call-in number and email address for anyone to submit comments, questions or concerns during the hearings.

**Petition Number: Z-20-163**  
**Premises Affected: 8 Bancroft Road**  
**Petitioner: Yen / Tong**  
**Relief requested: Party Aggrieved for review of the Inspector of Building's determination &/or for a variance from Art. VIII, §3.2 to construct an accessory structure on a lot without a principal structure.**  
**Members Sitting: Oltman, Keller, Faulk, Rechisky, Novaria**

This is a continued deliberation. There being no changes to the draft decision, Keller made a motion to accept the decision as drafted. Rechisky seconded the motion and the Board voted by roll call: Rechisky – yes, Faulk – yes, Keller – yes, Oltman – yes.

(Novaria arrived at the virtual meeting.)

**Petition Number: Z-20-174**  
**Premises Affected: 4 Arcadia Rd**  
**Petitioner: Pierce**  
**Relief requested: Special Permit 3.1.3.F.4 (Family Dwelling Unit)**  
**Members Sitting: Oltman, Faulk, Keller, Rechisky, Novaria, Guerette, Lopez**

This is a continued deliberation meeting to vote on the decision as drafted. The only change is to change McDonough's name to Novaria. Keller made a motion to approve the draft decision with the aforementioned change. Rechisky seconded the motion and the Board voted by roll call: Rechisky – yes, Faulk – yes, Keller – yes, Novaria – yes, Oltman – yes.

**Petition Number: Z-20-178**  
**Premises Affected: 102 Burnham Road**  
**Petitioner: Famiglietti**  
**Relief requested: special permit under §3.3.5 &/or variance from Art. VIII, §4.1.2 to construct a front porch & deck extension that won't meet the minimum front yard depth requirement**  
**Members Sitting: Oltman, Faulk, Keller, Rechisky, Novaria, Guerette, Lopez**

January 7, 2021

---

This is a continued deliberation meeting to vote on the decision as drafted. The only change is to change McDonough's name to Novaria. Rechisky made a motion to approve the draft decision with the aforementioned change. Novaria seconded the motion and the Board voted by roll call: Rechisky – yes, Faulk – yes, Keller – yes, Novaria – yes, Oltman – yes.

**Petition Number: Z-20-187**

**Premises Affected: 9 Shipman Road**

**Petitioner: Viscosi**

**Relief requested: special permit under Art. VIII, §3.1.3.F.4 for a Family Dwelling Unit**

**Members Sitting: Oltman, Faulk, Keller, Rechisky, Lopez**

Valeria Viscosi represented herself & her request for a new special permit for the continued use of the Family Dwelling Unit occupied by her parents. There have been no changes to the names of the occupants from the original special permit nor have there been any changes to the unit. Oltman reviewed the standard conditions. There being no questions or comments from the Board or the public, Faulk made a motion to waive a site view & to close the public hearing. Rechisky seconded the motion and the Board voted by roll call: Rechisky – yes, Faulk – yes, Keller – yes, Lopez – yes, Oltman – yes. The Board then proceeded to deliberate. In deliberation Oltman suggested using the same conditions as were set forth in the original approval (Z-15-78). Rechisky made a motion to approve the special permit with the conditions as stated in Z-15-78. Keller seconded the motion and the Board voted by roll call: Rechisky – yes, Faulk – yes, Keller – yes, Lopez – yes, Oltman – yes, Novaria – yes. Rechisky volunteered to draft the decision.

**Petition Number: Z-20-193**

**Premises Affected: 50 Morton Street**

**Petitioner: Martin**

**Relief requested: special permit under Art. VIII, §3.1.3.F.4 to create a Family Dwelling Unit**

**Members Sitting: Oltman, Rechisky, Keller, Novaria, Lopez**

Faulk recused herself from this case and left for the duration of this case. Oltman read the public hearing notice in Faulk's absence. Mr. Martin represented himself & his wife in their request to create a Family Dwelling Unit for his wife's parents, Katherine & Richard Johnson, who would be full-time residents. The Board discussed that the applicants do not own the property & how they could make a condition of approval that the special permit would be null and void and the unit would not be created if the Martins don't buy the house. There being no other discussion, Keller made a motion to waive a site view & to close the public hearing. Novaria seconded the motion & the Board voted by roll call: Rechisky – yes, Keller – yes, Novaria – yes, Lopez – yes, Oltman – yes. The Board then proceeded to deliberate. The Board agreed that they can condition approval of the special permit on the Martins' purchase of the house and that if they don't buy it, the special permit becomes null and void. Keller made a motion to approve the special permit with the standard conditions & the additional condition that the Martins must buy the property in order for the Family Dwelling Unit to be created, and to continue deliberation for the purpose of drafting a decision. Rechisky seconded the motion and the Board voted by roll call: Rechisky – yes, Keller – yes, Lopez – yes, Oltman – yes, Novaria – yes. Rechisky volunteered to draft the decision.

Faulk returned to participate in the remainder of the meeting.

**Petition Number: Z-20-190**

**Premises Affected: 53 Dascomb Road**

**Petitioner: Watson**

**Relief requested: variance from Art. VIII, §4.2.4 to install an in-ground pool that will not meet the minimum front yard depth requirement**

**Members Sitting: Oltman, Keller, Faulk, Rechisky, Lopez, Novaria (alternate)**

Joe Watson represented himself in his request for a variance to install an in-ground pool that won't meet the minimum front yard depth requirement. The lot is on the corner of Dascomb Road and Durham Drive. The pool would be in the front yard area facing Durham Drive. The Board discussed alternative locations for the pool so that it would be in a conforming location. Mr. Watson explained that due to the location of the driveway leading to the garage at the rear of the lot, they do not want to place the pool in front of the garage. The Administrative Secretary relayed concerns over the proposed location from Mr. Mrs. Yee, who live at 1 Durham Drive & whose house faces Mr. Watson's lot. Watson stated that the hardship is having a corner lot which rendered his side yard a front yard. He noted that the abutters at 1 Durham Drive will be able to see the pool no matter what. Oltman explained that the bylaw prohibits swimming pools being in front yards & the requirement to meet the side yard setback. The proposed pool would not meet the minimum front setback. The Board discussed the yard area in front of the garage as a possible location for the pool & the location of the driveway. Watson informed the Board that a swimming pool was located in that area of his yard previously, but had been filled. Faulk argued that it is hard to see a hardship if there are other places on the lot to install a pool, adding that it would be helpful to know exactly where the driveway is in relation to the house & garage. Novaria commented that what the petitioner considers side yard along Durham Drive is considered front yard under the bylaw. Faulk explained that if the status of being a corner lot constitutes a hardship then any corner lot can place anything in one of the front yards because by definition it's a hardship because it's a corner lot. Yet the bylaw prohibits the placement of structures in the front yard area. The Board discussed alternative configurations / locations of the proposed pool to make it conforming. Watson confirmed that the trees along Durham Drive as depicted in the photos are still there. Administrative Secretary Burke relayed a comment from 1 Durham Drive that the trees do not provide screening & that placing the pool on the other side of the house or garage would be more suitable. Oltman noted the email received from Mr. Jameson, direct abutter on Dascomb Rd did not express any concern over the proposal. The Board agreed that a site view would be helpful in this case. The Board scheduled the site view for 1/16/21 at 10 a.m. There being no other questions or comments from the Board or the public, Keller made a motion to continue the public hearing to 2/4/21 and to adjourn to the public view on 1/16/21 at 10 a.m. Faulk seconded the motion & the Board voted by roll call: Rechisky – yes, Keller – yes, Faulk – yes, Lopez – yes, Novaria – yes, Oltman – yes.

**Petition Number: Z-20-192**

**Premises Affected: 5 Dartmouth Road**

**Petitioner: Welch**

**Relief requested: special permit under Art. VIII, §3.3.5 &/or for variance from Art. VIII, §4.1.2 to construct additions/alterations that will not meet the minimum front or side setbacks**

**Members Sitting: Oltman, Keller, Faulk, Rechisky, Lopez, Novaria (alternate)**

Faulk, Acting Clerk, read the public hearing notice. Renata Welch represented herself requesting relief to enlarge her home for herself & her growing children. Currently they have only 2 bedrooms & wish to add a 3<sup>rd</sup>, as well as expand the living room and add an office. The existing house, built in 1938 does not meet the minimum front setback. It is not centered on the lot and has a driveway with detached garage on the northerly (right) side. Welch argues that the hardship relates to the constraints of the lot & a growing family. The proposal will be in keeping with the neighborhood where many additions have been built. The immediate, southerly, abutter at 7 Dartmouth Rd are supportive of the proposed addition. The Board discussed the existing (12.8') and proposed (3.7') left side setback. It is near the abutters' garage. There are also 6' tall shrubs along the lot line that provide additional screening on 3 sides of her lot. The shrubs will remain & belong to Welch.

January 7, 2021

She noted that a few trees will be removed & she has already spoken with the abutter, who is in agreement. Faulk asked for the size of the expanded home. It would be just under 2500 sq. ft. There being no further comments or questions from the Board or the public, Keller made a motion to waive a site view, & close the public hearing. Faulk seconded the motion and the Board voted by roll: Rechisky – yes, Faulk – yes, Keller – yes, Novaria – yes, Oltman – yes, Lopez– yes. The Board then proceeded to deliberate. The Board discussed whether a special permit would be appropriate due to the age of the house & the existing non-conforming front setback. Novaria commented on the fact that the house would double in size & that the need is there to accommodate a growing family. Keller added that the proposal is in harmony with the character of the neighborhood. Oltman stated that the architectural design seems compatible as well. Keller made a motion to approve a special permit under Section 3.3.5, to deny a variance from Section 4.1.2 as moot & to continue deliberation to the next meeting in order to draft the decision. Faulk seconded the motion & the Board voted by roll call: Rechisky – yes, Faulk – yes, Keller – yes, Novaria – yes, Oltman – yes, Lopez– yes. Oltman volunteered to draft the decision.

Oltman announced that she will recuse herself from the hearing on 34 Park Street (Z-20-191)

MINUTES:

10/11/20: Keller made a motion to accept the minutes of 10/1/20 as drafted. Novaria seconded the motion & the Board voted by roll call to accept the minutes as drafted: Rechisky – yes, Faulk – yes, Keller – yes, Novaria – yes, Oltman – yes.

Oltman turned the meeting over to Rechisky to Chair the remaining public hearing. Oltman left the meeting.

**Petition Number: Z-20-191**

**Premises Affected: 34 Park Street**

**Petitioner: Sal's Park Street Andover, LLC**

**Relief requested: variances from Art. VIII, §§5.2.4, 5.2.6, 5.2.9 to install a free-standing, externally illuminated directory sign that exceeds the maximum allowed height & area**

**Members Sitting: Keller, Faulk (Acting Clerk), Rechisky (Acting Chair), Novaria, Lopez**

Attorney Doug Hausler and Gerry Darcy of the Lupoli Companies presented the petition. Attorney Hausler gave an overview of the request to replace the existing free-standing, externally illuminated monument sign with a larger free-standing sign. Hausler noted that the building is 100' from the street with a parking lot between the street and the building. The larger monument sign will increase the safety of vehicles and is consistent with other signs in the vicinity. Hausler responded to the abutter, Mr. Luckman's, commented submitted prior to the hearing stating his concerns regarding glare & light overspill of one existing sign – which the petitioner will install shields on to minimize overspill & direct the light downward. The other sign in Mr. Luckman's letter is a public light that they don't control. Gerry Darcy explained that the new monument sign will display the rebranding of the tenant. It will be in a different location than the existing sign to increase visibility for vehicles entering the parking lot. It is a double-sided sign & the existing bushes will be trimmed to maximize visibility. The Board discussed installing the sign on the opposite corner of the lot along Park Street. Darcy explained that it could potentially confuse patrons of the adjacent businesses that have their driveway & parking on that side of #34 Park Street. They prefer to keep it closer to their driveway. The proposed sign will be externally illuminated and will have an overall area of 21.3 sq. ft. The Board considered the sign area & whether it will inhibit vehicular line of sight entering the lot. Novaria asked for the light spray, hours of illumination & the size of the prior sign. The sign will have space for 3 tenant signs. It will be illuminated until 1 hour after closing time, which is currently 10 p.m. Rechisky asked why the lettering is so large. Darcy explained that it factors in visibility from various distances. Hausler added that due to the sign's distance from the building, a larger sign is necessary and to accommodate all of the tenants. Rechisky asked to keep the hearing open & to continue to the 2/4/21 meeting. Novaria made a motion to continue the hearing to 2/4/21. Keller seconded the motion & the

January 7, 2021

---

Board voted by roll call to continue the public hearing to 2/4/21: Novaria – yes, Lopez – yes, Faulk – yes, Keller – yes, Rechisky – yes

There being no other business of the Board, Keller made a motion to adjourn the meeting. Faulk seconded the motion and the Board voted by roll call to adjourn the meeting at 8:16 pm: Novaria – yes, Lopez –yes, Faulk – yes, Keller – yes, Rechisky – yes.

Respectfully submitted,  
Barbara Burke, Zoning Administrative Secretary