



**MINUTES OF THE ZONING BOARD OF APPEALS  
ANDOVER, MASSACHUSETTS  
Virtual Meeting Broadcast by:  
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February 4, 2021**

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

The meeting opened at 6:32 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-20-187**  
**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**

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

**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**

This is a continued deliberation meeting to review the draft decision. Oltman informed the Board that the petitioners notified the Board that they are not going forward with the purchase of the property. There being no changes to the decision as drafted, Keller made a motion to approve the decision as written. Novaria seconded the motion and the Board voted by roll call: Rechisky – yes, Keller – 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, Novaria**

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

**Discussion Item:** *New Zoning Legislation*

Town Counsel Thomas Urbelis updated the Board on the new zoning legislation, particularly related to multifamily housing (3+ units)

**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)

This is a continued public hearing. Joe Watson represented himself. Oltman recapped the site visit noting that the clarification regarding the fence line was received from Mr. Watson. Watson had no additional comments. Oltman reread Mr. Jamison's letter of support. There being no other questions or comments from the Board or the public, Keller made a motion to close the public hearing Rechisky seconded the motion & the Board voted by roll call: Faulk – yes, Rechisky – yes, Keller – yes, Lopez – yes, Oltman – yes. The Board proceeded to deliberate. The Board discussed whether or not the requirements for a hardship exist to grant a variance. Some of the Board felt that having a corner lot constitutes a hardship while others did not. Overall, the Board did not have any issues with the swimming pool and felt that there are alternative locations on the flat lot that would be conforming. Keller made a motion to deny the variance from Section 4.2.4 to install a swimming pool in the front yard area that would not conform to the minimum front yard depth requirement of 40' & to continue the deliberation meeting for the purpose of drafting a decision. Faulk seconded the motion & the Board voted by roll call: Faulk – yes, Rechisky – yes, Keller – yes, Lopez – yes, Oltman – yes, Novaria – yes. Oltman volunteered to draft the denial.

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

**Premises Affected:** 34 Park Street

**Petitioner:**

**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, Rechisky, Lopez, Novaria

Petitioner requested a continuance without discussion to next month's meeting. Novaria made a motion to continue the public hearing. Faulk seconded the motion and the Board voted by roll call: Faulk – yes, Rechisky – yes, Keller – yes, Lopez – yes, Novaria – yes. Rechisky noted that she will not be available for the next few months & therefore McDonough, Arabian & Lopez were asked to listen to the initial meeting so that they can invoke the Mullen Rule to participate in the full public hearing process.

**Petition Number:** Z-21-2

**Premises Affected:** 65 Burnham Road

**Petitioner:** Ballinger

**Relief requested:** special permit under Art, VIII, §3.3.5 &/or for a variance from Art. VIII, §4.1.2 to construct a rear addition that won't meet the minimum rear setback requirement

**Members Sitting:** Oltman, McDonough, Faulk, Keller, Rechisky, Novaria, Guerette, Lopez, Arabian

Ron Bouchard from Blackdog Builders gave an overview of the proposed addition to the existing house, built circa 1866. They have obtained review & approval from Preservation Commission with some modifications. Bouchard will forward the modifications to the Zoning Administrative Secretary. Faulk asked for confirmation that the Preservation Commission saw the same plans as present to the ZBA. Bouchard confirmed that both the ZBA & Preservation Commission have reviewed the same plans. Oltman read an email of support from Chuck

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Lane, an abutter to the rear. Arabian inquired whether there are any wetlands in the area. Bouchard stated that they do not believe there are any wetlands. There being no more questions or comments from the Board or the public, Keller made a motion to waive a site view, to close the public hearing & to continue deliberation to the next month's meeting. Novaria seconded the motion and the Board voted by roll call: McDonough – yes, Rechisky – yes, Faulk – yes, Keller – yes, Oltman – yes. The Board then proceeded to deliberate. The Board felt that relief can be granted by special permit with the standard conditions. Faulk made a motion to grant the special permit under Section 3.3.5 with the standard conditions & to deny the variance from Section 4.1.2 as moot and to continue the deliberation for the purpose of drafting a decision. Keller seconded the motion & the Board voted by roll call: McDonough – yes, Rechisky – yes, Faulk – yes, Keller – yes, Oltman – yes, Novaria – yes, Guerette – yes, Lopez – yes, Arabian – yes. Keller will draft the decision.

**Petition Number: Z-21-6**

**Premises Affected: 110 Lowell Street**

**Petitioner: Ham / Elliott**

**Relief requested: special permit under Art, VIII, §3.3.5 &/or for a variance from Art. VIII, §4.1.2 to construct a 2<sup>nd</sup> story addition that won't meet the minimum front setback requirement**

**Members Sitting: Oltman, McDonough, Faulk, Keller, Rechisky, Novaria, Guerette, Lopez, Arabian**

Brian Charron, contractor, represented the homeowners, who also participated virtually. Charron reviewed the proposal to remove the living room roof to add a 2<sup>nd</sup> story. Since the house is on a corner lot with a front setback to Lincoln Street of 31.3', which is non-conforming. The setback will remain the same. They do not need review by Preservation Commission since the house is not registered historic. Chair Oltman read into the record a letter of support from the Antonakos' at 114 Lowell St. There being no other questions or comments from the Board or the public, McDonough made a motion to waive a site view & close the public hearing. Rechisky seconded the motion & the Board voted by roll call: McDonough – yes, Rechisky – yes, Faulk – yes, Keller – yes, Oltman – yes. The Board then proceeded to deliberate. The Board agreed that a special permit is appropriate with the standard conditions. Keller made a motion to approve the special permit under Section 3.3.5 with the standard conditions that the addition is built in substantial conformity with the plans submitted, to deny the variance from Section 4.1.2 as moot and to continue deliberation to next month's meeting to draft the written decision. McDonough seconded the motion and the Board voted by roll call: McDonough – yes, Rechisky – yes, Faulk – yes, Keller – yes, Oltman – yes, Novaria – yes, Guerette – yes, Lopez – yes, Arabian – yes. McDonough volunteered to draft the decision.

**Petition Number: Z-21-9**

**Premises Affected: 14 Beech Circle**

**Petitioner: Hogan**

**Relief requested: special permit under Art, VIII, §3.3.5 &/or for a variance from Art. VIII, §4.1.2 to construct additions/alteration that won't meet the minimum front & side setback requirement**

**Members Sitting: Oltman, McDonough, Faulk, Keller, Rechisky, Novaria, Guerette, Lopez, Arabian**

Karen Hogan & Rob Stearns, owners, represented themselves & presented the proposed renovations, alterations & additions to their 70 year old house. The existing ranch house has a galley kitchen that will be extended 10.8' to the back thereby making the house's footprint rectangular. The Board discussed the encroachment of the proposed front stairs noting that the existing front setback is non-conforming. Keller suggested that if approved, a condition that the stairs encroach no more than 5' into the front setback could be part of the decision. Oltman read emails in support of the proposal from 10 Beech Circle (Brittany & Ben Pascal) & 11 Beech Circle (Nora & Andrew Pelt), as well as an inquiry from Lisa Robinton, 13 Beech Circle, related to the driveway. Ms. Hogan stated that there are no plans to change the driveway. Oltman noted that the ZBA does not have jurisdiction regarding the number of cars on a single family dwelling lot. There being no other questions or concerns from the Board or the public, Rechisky made a motion to waive a site view & close the public hearing. The Board then proceeded to deliberate. In deliberation the Board agreed that relief can be granted by a special permit

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under Section 3.3.5 with the usual conditions. Keller made a motion to grant the special permit under 3.3.5 with conditions that the work be done in substantial conformance with the plans & that the front stairs shall encroach no further than 5' into the front yard beyond the existing house, to deny the variance from Section 4.1.2 as moot and to continue deliberation for the purpose of drafting a written decision. McDonough seconded the motion and the Board voted by roll call: McDonough – yes, Rechisky – yes, Faulk – yes, Keller – yes, Oltman – yes, Novaria – yes, Guerette – yes, Lopez –yes, Arabian – yes. Faulk volunteered to draft the decision.

MINUTES:

11/5/20: There being no changes to the draft minutes, Novaria made a motion to accept the minutes of 11/5/20 as drafted. McDonough seconded the motion & the Board voted by roll call to accept the minutes as drafted: Rechisky – yes, Keller – yes, McDonough – yes, Faulk – yes, Novaria – yes, Guerette – yes, Oltman – yes.

11/30/20: There being no changes to the draft minutes, Novaria made a motion to accept the minutes of 11/30/20 as drafted. Keller seconded the motion & the Board voted by roll call to accept the minutes as drafted: McDonough – yes, Keller – yes, Faulk – yes, Novaria – yes, Oltman – yes.

12/3/20: There being no changes to the draft minutes, McDonough made a motion to accept the minutes of 12/3/20 as drafted. Keller seconded the motion & the Board voted by roll call to accept the minutes as drafted: McDonough – yes, Rechisky – yes, Faulk – yes, Keller – yes, Oltman – yes, Novaria – yes, Guerette – yes, Lopez – yes, Arabian – yes,

Rechisky informed the Board that she will attend the March meeting.

There being no other business, McDonough made a motion to adjourn the meeting. Rechisky seconded the motion and the Board voted unanimously to adjourn the meeting at 7:44 p.m.

Respectfully submitted,  
Barbara Burke, Zoning Administrative Secretary