



**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)  
June 4, 2020**

Participating remotely via Webex were: Elizabeth Oltman, Chair; Carol McDonough, Clerk; Kathy Faulk, Dan Casper and Lisa Rechisky, Members; David Guerette, Michael Novaria and Ellen Keller, Associate Members; 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-20-10 and Z-20-25**

**Premises Affected: 18 William Street**

**Petitioner: Arzeno**

**Relief requested: variances from Art. VIII, §§4.1.2 &/or 7.9.4.3 and for a Dimensional Special Permit for Historic Preservation under Art. VIII, § 7.9 to subdivide a lot & to move the existing garage to a location that will not meet the minimum yard depth requirements. –and- variances from Art. VIII, §§ 4.1.2, 4.2.2 for the continued existence of a non-conforming detached garage**

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

The Board received a request to continue the public hearing without discussion to 7/2/20. Casper made a motion to continue the hearing without discussion to the July 2, 2020 meeting. Faulk seconded the motion and the Board voted by roll call in the following manner:

Rechisky - yes      Guerette – yes      McDonough – yes      Keller – yes      Novaria – yes

Due to the State of Emergency, the Board has not been conducting in-person meetings. Therefore, Faulk made a motion to open the public hearings and to continue without discussion the following four cases (Z-20-39, Z-20-41, Z-20-42, and Z-20-43) to the 5/7/20 meeting.

Guerette seconded the motion and the Board voted unanimously by roll call to continue the three cases without discussion until the 5/7/20 meeting:

Novaria – aye      Guerette – aye      Keller – aye      Casper – aye      Faulk – aye      McDonough – aye  
Rechisky – aye      Oltman – aye

Documents and materials were received by the Board and considered at the public hearing:

- Plan entitled “Plan of Land” prepared by Merrimack Engineering Services, dated January 10, 2020
- Plan entitled “Plan of Land” prepared by Merrimack Engineering Services, revision dated February 4, 2020
- Plan entitled “Plan of Land” prepared by Merrimack Engineering Services, revision dated February 7, 2020

- Letter from Karen Herman, Chair of the Andover Preservation Commission, to the Zoning Board of Appeals, dated January 27, 2020, including associated historical information and photograph of the Clarence and Hazel Waugh House
- Addendum to Petition of Carlos Arzeno (Z-20-10)
- Draft of proposed Preservation Restriction Agreement
- Quitclaim Deed for transfer of 18 William Street to Julia F. Turesky Revocable Trust, dated October 2, 1029 and recorded at Essex North Registry of Deeds at Book 16025, Page 167
- Letter from Julia F. Turesky, Trustee, granting permission for Carlos and Diana Arzeno to apply for permits, dated January 10, 2020
- Durable Power of Attorney for Julia F. Turesky
- Historical information and photograph of the Clarence and Hazel Waugh House from the Andover Historic Preservation Commission website
- Letter from Mark Johnson, Attorney, requesting continuance of the application to the April ZBA meeting, dated March 5, 2020
- Letter from Mark Johnson, Attorney, requesting continuance of the application to the June ZBA meeting and extending the time for the ZBA to act until June 20, 2020, dated May 5, 2020
- Letter from Mark Johnson, Attorney, extending the time for the ZBA to act until June 9, 2020, dated March 27, 2020
- Letter from Mark Johnson, Attorney, extending the time for the ZBA to act until September 20, 2020, dated August 14, 2020
- Letter from Mark Johnson, Attorney, requesting continuance of the application to the July ZBA meeting and extending the time for the ZBA to act until August 15, 2020, dated June 2, 2020
- Addendum to Petition of Carlos Arzeno (Z-20-25)
- Listing of Town of Andover Accepted Roadways, May 2018
- 18 William Street Projected Expenses Sheet, undated, with 10 photographs
- Email from Jacki Byerley, Planner with the Town of Andover, regarding the potential for improvements necessary on the private way, Sherbourne Street, dated February 26, 2020
- Petition with 25 individual signatures objecting to proposed application, dated February 3, 2020 (Z-20-10)
- Petition with 31 individual signatures objecting to proposed application, dated received August 6, 2020 (Z-20-25)
- Letter from Douglas Queenin, 14 William Street, objecting to the proposed application, undated, received February 2, 2020
- Letter from Javier Caban and Nick Pappas, 76 Poor Street, requesting assurance that access will be maintained to the rear of their property via Sherbourne Street
- Emails from Charles Alagero, 13 William Street, objecting to the proposed application, dated February 7, 2020 & July 1, 2020
- Email from Doug Queenin, 14 William Street, objecting to the proposed application, dated July 1, 2020
- Letter from Sally Matson, 23 William Street, expressing concerns for the proposed application, dated February 24, 2020

**Petition Number: Z-20-41**

**Premises Affected: 145 Hidden Road**

**Petitioner: Duke Realty Group, LLC**

**Relief requested: Special Permit under Art. VIII, §3.3.5 &/or variances from Art. VIII, §§4.1.2 &/or 4.1.3.b to construct a portico that won't meet the minimum front setback**

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

The Board received a request to withdraw without prejudice. Casper made a motion to allow the request to withdraw without prejudice. Faulk seconded the motion and the Board voted by roll call in the following manner to allow the withdrawal without prejudice:

Rechisky – yes      McDonough – yes      Guerette – yes      Keller – yes      Novaria - yes

**Petition Number: Z-20-39**

**Premises Affected: 145 Abbot Street**

**Petitioner: Girl Scouts of Eastern Massachusetts**

**Relief requested: Special Permit &/or variance under Art. VIII, §5.2.8.1.b to erect a 6 sq. ft. 6' high free-standing sign that exceeds the maximum allowed area & height**

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

Mark Connolly, Director of Facilities for the Girl Scouts of Eastern Massachusetts & Camp Maude Eaton presented the request for special permits and variances to erect a free-standing sign. The proposed sign will be 6' tall and consistent with the brand image of other Girl Scout camps. It will increase visibility and improve safety. It will be lit externally using solar power. The sign will be illuminated during winter nights since the camp is used year round. Connolly agreed to restricted hours of illumination, no later than 8 pm. The sign is 6 square feet on a 6' tall 4" square pole. None of the Board members had any issues with it. No one called in to voice concern or raise any questions. Prior to the hearing, Andy Rouse of 5 Cattle Crossing submitted an email on 5/4/20 voicing concern and general opposition to the variance. There was no other public comment. Casper noted that the traffic generated by the Girl Scout store was not walk-in or drive-by. While he was ok with a special permit for the size of the sign, he voiced concern over the 6' proposed height. Connolly explained that the visibility at the driveway being on a curve in the road necessitates the 6' height. The store closes at 5pm and is only open to campers arriving at dusk. The existing sign is 2.5-3' tall and attached to the existing fence. From grade, it is approximately 2.5'. Oltman agreed with Casper's concern over the height of the proposed sign. It is visible now and can be raised up a bit by virtue of a special permit for both the size and height of the sign, maximum 4' tall. The Board agree. Casper noted that the bylaw allows illumination in residential districts between 7 am and 9 pm. Casper made a motion to close the public hearing. Faulk seconded the motion and the Board voted by roll call in the following manner to close the public hearing: Rechisky, McDonough, Guerette, Keller, Novaria – yes. The Board agreed that relief can be granted by special permit under 5.2.8.1.b with conditions that the sign shall be no taller than 4' high and is otherwise in substantial conformance with the plan submitted. Casper made a motion to approve the special permit with conditions. The Board voted to grant the special permit with conditions by roll call in the following manner: Rechisky, McDonough, Guerette, Keller, Novaria – yes. The Board then voted to continue deliberation to 6/18/20 to draft a decision. Faulk seconded the motion and the Board voted unanimously to continue the deliberation to 6/18/20. McDonough volunteered to draft the decision.

Documents and materials were received by the Board and considered at the public hearing:

- Letter from Caitriona Taylor, Chief Executive Officer, Girl Scouts of Eastern Massachusetts dated March 4, 2020
- Letter from William Doyle, President, Design.Engineering.Innovation (dei), 14 Spring Street, Waltham MA 02454 dated March 3, 2020
- Design.Engineering.Innovation (dei), Sign Detail:A1.00; Site Plan:C1.00, 14 Spring Street, Waltham MA 02454 dated March 3, 2020
- Town of Andover Assessor's Map 95 Effective Date January 1, 2018, Last Revised
- Extension to the Andover Zoning Board of Appeals to file its decision until July 7, 2020 received 5/4/20

**Petition Number: Z-20-42**

**Premises Affected: 275 S. Main Street**

**Petitioner: Joshua Kelly**

**Relief requested: Special Permit under Art. VIII, §7.9 to move an historic house from 1 Judson Rd onto the lot**

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

Josh Kelly represented himself. He resides at 1 Judson Road and has filed for demolition with Preservation Commission. The Demolition Delay expires in June. He wishes to move the house to 275 South Main Street, where he intends to continue living in it. The main box and two chimneys will be moved 1.1 miles to 275 South Main St. The left and rear additions will not be moved. He has received approval from the Preservation Commission. The lot at 275 S. Main Street was created in 2016 under a previous ZBA filing. Since then, the bylaw was rewritten to require an engineer's report certifying the structural integrity of the house once it is on the new foundation. The Building Inspector must inspect the house after it is moved to the new foundation. The lots at 275 South Main Street are separately owned. Oltman noted that some of the dimensions are of issue now. Rechisky asked for clarification on exactly what will be moved; the deconstructed original main box will be moved and have new windows, wood siding to look the same as the existing house. New systems will also be installed. McDonough asked what percentage of the existing will be relocated. Mr. Kelly stated that the whole structure will be moved, but new materials will be used for roofing, windows and siding. Oltman read into the record concerns from Mr. Troiano of 40 Hidden Road, in particular the drainage, as well as abutters from 41, 46 and 50 Hidden Road regarding drainage and landscape buffering. Joanne Stinson of 277 S. Main Street called in to voice concern over the proposed height. Faulk made a motion to waive the site view and to close the public hearing. Novaria seconded the motion and the Board voted unanimously to waive a site view and to close the public hearing. The Board then proceeded to deliberate. The Board discussed the drainage concerns, Note #4 of the plan referring to a Homeowner's Association (HOA) and the need for an agreed upon landscaping plan with the abutters in mind. The Board agreed that continuing the deliberation in order to receive a landscaping plan was a good idea. Keller questioned how detailed it should be. McDonough also suggested obtaining the HOA information. Oltman asked if the Board wanted to re-open the hearing to ask the applicant more questions. Keller made a motion to re-open the hearing to ask the applicant questions regarding the HOA and landscaping plan. Rechisky seconded the motion. The Board voted unanimously to reopen the public hearing to ask about the HOA and the landscape plan. Mr. Kelly explained that the HOA was created exclusively for the sewer easement because there is only a single sewer connection coming in from the street. It is maintained by the homeowner. Oltman asked what level of landscaping will be installed. Kelly stated that he has to move this year and is amenable to continue the hearing with contingencies that a landscaping plan is submitted. He noted that he wants a landscape buffer to screen the house from the abutters as well. He is agreeable to a specified number of trees and to remove dead growth. The Board suggested that they could vote tonight and draft a decision for the 6/18/20 extra meeting subject to receipt of a landscape plan. Mr. Kelly agreed & voiced concern over opening it to another public hearing. That would only happen if the landscaping plan was not submitted by 6/18/20. Joanne Stinson of 277 South Main Street, direct abutter, asked for the height of the proposed house. It is uncertain and will depend on the deep hole test for the septic system according to Kelly. But it will be under 35'. Oltman suggested making the height being no more than 35' a condition of approval. Rechisky asked for submission of a landscape plan with abutter input. Casper reminded the Board that the public hearing can't be closed if more documents will be submitted. The Board discussed screening & Mr. Kelly agreed to plant / replace trees with similar diameters (i.e. if a 30" diameter tree is removed, 10 trees with 3" diameters will be planted). Casper cautioned the Board that they must act on what has been presented and that they can't appease all. Rechisky voiced concern over considering the neighbors in regards to landscape buffering. Guerette agreed with Casper. Keller pointed out that the applicant has made concessions to please the neighbors. Novaria emphasized that it is important to balance the applicant's and abutters' intentions. Kelly reiterated that he will remove dead trees on his lot. McDonough made a motion to close the re-opened public hearing. Novaria seconded the motion and the Board voted unanimously to close the re-opened public hearing. In deliberation Oltman asked if there is a motion to approve the request to move the historic house at 1 Judson Road to 275 S. Main Street with the conditions discussed. Faulk added that the other standard conditions should be included.

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Faulk made the motion, as amended, and McDonough seconded it. The Board voted to approve the Dimensional Special Permit for Historic Preservation with conditions by roll call in the following manner:

Casper – yes           Rechisky – yes           McDonough – yes           Guerette – yes           Keller – yes  
Novaria – yes   Oltman - yes

Casper made a motion to continue deliberation to the 6/18/20 meeting for the purpose of drafting a decision. Guerette seconded the motion and the Board voted unanimously to continue deliberation to 6/18/20. Oltman volunteered to draft the decision.

Documents and materials were received by the Board and considered at the public hearing:

- Plan entitled “Site Plan – 275 South Main Street” prepared by Andover Consultants, Inc., dated March 4, 2020
- Plans entitled “Relocated 1 Judson Road Historic Structure to 275 South Main Street” prepared by JK Development Group, Inc., dated March 9, 2020
- Letter from Janet Mitchell and Beverly MacLeod, owners of 1 Judson Road, granting Joshua Kelly permission to apply for permits associated with relocating the structure, dated March 7, 2020
- Letter from William Buck and Dawn Nelson-Buck, owners of 275 South Main Street, granting Joshua Kelly permission to apply for permits associated with the property
- Letter from Joshua Kelly to the Board detailing the proposed work, dated March 9, 2020
- Three photos of existing structure at 1 Judson Road
- Email from Karen Herman, Chair of the Andover Preservation Commission, dated Thursday, June 13, 2019 detailing vote to impose the 12-month demolition delay on razing the structure located at 1 Judson Road on June 11, 2019
- Letter from Karen Herman, Chair of the Andover Preservation Commission, to the Zoning Board of Appeals, dated May 15, 2020, including associated historical information on the Leonard Woods House
- Pages from the Massachusetts Cultural Resource Information System on 1 Judson Road
- Route of proposed relocation in map and written format
- Email from Paul Sanborn, Andover Tree Warden, regarding the proposed relocation route, dated March 9, 2020
- Letter from Todd Hedly, PE, of TLH Consulting, Inc., regarding the structure of the existing 1 Judson Road structure, dated March 5, 2020
- Zoning Board of Appeals Decision Z-16-89
- Zoning Board of Appeals Decision Z-17-108
- Quitclaim Deed for transfer of 1 Judson Road to Beverly MacLeod and Janet Mitchell, dated June 21, 2019 and recorded at Essex North Registry of Deeds at Book 15889, Page 1
- Quitclaim Deed for transfer of 273 South Main Street to Pensco Trust Company, dated April 15, 2016 and recorded at Essex North Registry of Deeds at Book 14595, Page 17
- Quitclaim Deed for transfer of 273 South Main Street to Jason Anton, dated March 10, 2017 and recorded at Essex North Registry of Deeds at Book 15011, Page 160
- Letter from Robert Troiano II, 40 Hidden Road, to the Zoning Board of Appeals, dated June 4, 2020
- Email from David Buka, 41 Hidden Road, to the Zoning Board of Appeals, dated June 4, 2020
- Email from Michael Suffoletto, 46 Hidden Road, to the Zoning Board of Appeals, dated June 4, 2020

**Petition Number: Z-20-43**

**Premises Affected: 10 Boston Road**

**Petitioner: O’Leary**

**Relief requested: variances from Art. VIII, §§4.1.2 \* 4.2.2 to construct a 2<sup>nd</sup> story addition that won't meet the minimum front setback & a rear addition that will render the garage non-conforming**

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

This is a continued public hearing. General Contractor Mike Coughlin represented the O'Leary's, who were also participating remotely. Coughlin summarized the project which includes removal of the roof, addition of a second floor / 3 bedrooms + bath, a 12'x15' rear addition that will render the existing detached garage non-conforming as to side setback. Casper asked what the hardship is relating to the garage. Coughlin explained that no work is being done to the garage and no expansion of the house can take place without rendering the garage non-conforming. The Board discussed whether a variance or a special permit can be issued for the garage. Casper felt that a special permit under Section 3.3.5 would be appropriate since it is a pre-existing non-conforming structure. Mr. O'Leary indicated that they have spoken with the abutters and they are ok with the project. Oltman noted that #9 Boston Road voiced their support for the project. There being no other questions from the Board or the public, Faulk made a motion to waive the site view and to close the public hearing. Casper seconded the motion and the Board voted unanimously to waive the site view and to close the hearing. The Board then proceeded to deliberate. In deliberation Oltman suggested that a special permit with the standard conditions is appropriate (in conformance with the plans submitted). Casper made a motion to approve the special permit with the standard conditions. McDonough seconded the motion and the Board voted to approve the special permit with conditions by roll call in the following manner:

Faulk – yes    Rechisky – yes    Guerette – yes    Keller – yes    Novaria – yes    Oltman – yes  
Keller made a motion to continue deliberation to 6/18/20 for the purpose of writing a draft decision. Faulk seconded the motion & the Board voted unanimously to continue deliberation to 6/18/20. Casper volunteered to draft the decision.

Documents and materials were received by the Board and considered at the public hearing:

- Exhibit Plan of Land prepared for Derek O'Leary dated March 3, 2020 by Bartram Land Survey of Byfield, MA
- Building plans and elevations prepared by Deer Hill Architects, LLC of Peabody, MA dated Sept. 6, 2019
- Extension of time for Andover Zoning Board of Appeals to file a written decision until July 2, 2020 from Derek O'Leary dated 5/7/20

**Petition Number: Z-20-55**

**Premises Affected: 375 S. Main Street**

**Petitioner: Fergus / Machold**

**Relief requested: Special Permit under Art. VIII, §3.1.3.F.4 to create a Family Dwelling Unit within the existing house**

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

Kate Fergus presented the request to convert a 550 square foot space within their existing single family dwelling into a Family Dwelling Unit for her mother, Louise Young. It will consist of a bedroom, bathroom and kitchenette. They will create access to the exterior / yard area from the unit with steps to the driveway. Oltman explained the standard conditions, including that the special permit is granted for the specifically named occupant (Louise Young) for a period of 5 years (which is renewable) and that when she no longer occupies the unit, the kitchenette must be removed. There being no other questions from the Board or the public, Casper made a motion to waive the site view & to close the hearing. McDonough seconded the motion and the Board voted unanimously to waive a site view and to close the public hearing. The Board then proceeded to deliberate. Casper made a motion to approve the special permit with the standard conditions and that Loise Young is the occupant. McDonough seconded the motion and the Board voted by roll call in the following manner:

Faulk – yes    Rechisky – yes    Guerette – yes    Keller – yes    Novaria – yes    Oltman – yes  
Casper made a motion to continue the deliberation to the 6/18/20 meeting for the purpose of drafting the decision. Faulk seconded the motion and the Board voted by roll call to continue the deliberation in the

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following manner: Faulk – yes      Rechisky – yes      Guerette – yes      Keller – yes      Novaria – yes  
Oltman - yes

Novaria volunteered to draft the decision.

Documents and materials were received by the Board and considered at the public hearing:

- Hand drawn proposed plan with existing conditions and proposed additions.
- Photographs of existing house and barn doors
- Letter of support from James Bowden, 9 Boston Rd, Andover, MA received 4/7/20
- Plot Plan dated 10/29/19
- ZBA Decision Z-19-43 dated 6/10/19

**Petition Number: Z-20-57**

**Premises Affected: 18 Elm Street**

**Petitioner: Ingalls / Palmers Restaurant**

**Relief requested: Special Permit under Art. VIII, §3.1.3.F.8 to create outdoor dining**

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

John & Rebecca Ingalls, owners of Palmers Restaurant, represented themselves. The restaurant is located in the General Business district and has been closed due to the COVID-19 State of Emergency. No indoor dining is allowed at this time. They have 30 employees that they want to reemploy to serve the proposed 18 outdoor tables (48 seats). No parking spaces will be lost with the outdoor dining. Oltman pointed out that the plan depicts the closure of the one-way entry drive and conversion of the other driveway to 2-way. Mrs. Ingalls explained that curbside pick-up will be provided on the left side of the building (the current entry drive), possibly by pulling in or parking on Elm Street. Large 20'x20' planters with arborvitae will protect the tables and sandwich board signs will direct customers with instructions, protocols and menus. Oltman noted that the current allowance is to have outdoor dining until November 1, 2020. The Ingalls had no opposition to this. Oltman informed the Board and applicants that an abutter voiced support, but also concern over outdoor music. The Ingalls assured the Board there will be no outdoor music. Mrs. Ingalls explained a slow, soft start with dinner only. Keller and Novaria voiced their support. Oltman read Greg Bogosian's email of support and gave the email address and telephone number for the public to call or email any questions or comments. There being no other questions or comments from the Board or the public, Casper made a motion to waive a site view and to close the public hearing. McDonough seconded the motion and the Board voted unanimously to waive the site view and to close the public hearing. The Board then proceeded to deliberate. In deliberation Oltman informed the Board that Town Counsel Attorney Urbelis stated that they can place a time limit on the special permit, i.e. 11/30/20 with conditions that planters are placed to separate tables from traffic. Novaria made a motion to approve the special permit with conditions. McDonough seconded the motion and the Board voted by roll call in the following manner: Casper – yes      Faulk – yes      Rechisky – yes      McDonough – yes  
Guerette – yes      Keller – yes      Novaria – yes.

McDonough made a motion to continue deliberation to 6/18/20 to draft a decision. Casper seconded the motion and the Board voted unanimously to continue to 6/18/20. Rechisky volunteered to draft the decision.

Documents and materials were received by the Board and considered at the public hearing:

- Letter from F&M Trust, dated May 11, 2020, with consent to file for the seasonal outdoor seating permit.
- Proposed Outdoor Seating Plan. Overlay on Site Plan document dated 9/1993 Site plan prepared by G. Goodwin of Andover MA.
- Photographs of seating layout mock-up in the rear of the building.
- Email from abutter, Greg Bogosian requesting no live music.
- Site Plan dated 9/1993 Site plan prepared by G. Goodwin of Andover MA.

Casper recused himself from the following public hearing and muted himself so that he could listen to it.

**Petition Number: Z-20-58**

**Premises Affected: 24 River Street**

**Petitioner: Heritage Builders**

**Relief requested: for special permits under Art. VIII, §3.3.5 &/or 3.3.7 &/or for a variance from Art. VIII, §4.1.2 to construct a single family dwelling that will not meet the minimum front yard depth requirement.**

**Members Sitting: Oltman, McDonough, Rechisky, Faulk, Guerette, Novaria**

Attorney Mark Johnson gave an overview of the project and why the applicants are before the ZBA; during reconstruction, the house slid off of the existing foundation. The house is located in the SRA district and is a pre-existing, non-conforming lot as to area and setbacks. The garage and house were in rough shape. The design has been approved by the Ballardvale Historic District Commission, which allowed for the garage demolition. In 2019, they obtained approval to remove and reconstruct the rear wings with an attached garage. Joe Suriello, owner, spoke to the Board noting that he has never been shut down before. The bricks under the existing sill failed. He admitted there were unsafe conditions and that he removed the house after it failed. Johnson reminded the Board that they can make a finding to grant the requested relief. The Board inquired whether the contractor ever contacted the Inspector of Buildings to get an emergency demolition permit. He did not. Oltman noted that Section 3.3.7 (catastrophe) or Section 3.3.5 may apply to this case. Johnson pointed out that the proposed is the same as what was approved previously. Faulk voiced reluctance that this would be covered by Section 3.3.7. Oltman and Faulk stated that Section 3.3.5 seems more appropriate. Rechisky was struggling with the choices. Johnson assured the ZBA that the BVHDC felt the plans were appropriate and that the BVHDC letter of 6/1/20 assumes that a variance for setbacks would be granted. The Board discussed why Section 3.3.7 does not apply since it was not a natural catastrophe. Mr. Suriello explained that he tried to save the front and right side walls, and bricks, adding that they can reconstruct with other materials. The Board voiced reluctance to grant relief under 3.3.7. Keller cautioned the Board against going down the demolition path. Johnson contended that it meets setbacks, including the average front setback and that it is unlikely that the setbacks will change. The Administrative Secretary read a letter of support from Ken LaRose, 21A River Street, Andover. McDonough made a motion to waive a site view and to close the public hearing. Rechisky seconded the motion and the Board voted unanimously to waive the site view and close the public hearing. The Board proceeded to deliberate.

In deliberation, the Board noted the unfortunate situation and that the proposed reconstruction is appropriate subject to BVHDC approval. Oltman asked for a motion to grant a special permit under Section 3.3.5 with the standard conditions for the reconstruction and a variance from Section 4.1.2 for the front setback and lot size, condition to BVHDC approval. Faulk made the motion as stated by Oltman and Rechisky seconded the motion. The Board voted to grant the special permit and variance by roll call in the following manner:

Faulk – yes    McDonough – yes    Guerette – yes    Keller – yes    Oltman – yes

Keller then made a motion to continue deliberation to the 6/18/20 meeting. Faulk seconded the motion and the Board voted unanimously to continue deliberation to 6/18/20.

Documents and materials were received by the Board and considered at the public hearing:

- Plan entitled “Plot Plan of Land #24 River Street Andover, Mass.,” showing the existing condition and proposed condition for the site and prepared by Sullivan Engineering Group, LLC, dated July 13, 2019, revised October 8, 2019
- Building plans and architectural elevations entitled “Addition and Renovation to Single Family Home 24 River Street Andover, MA,” prepared by Jozokos Architecture, Inc., Sheets 1 through 8, dated September 24, 2019
- Applications by the Applicant to the Ballardvale Historic District Commission requesting a Certificate of Appropriateness, dated June 7, 2019 and July 26, 2019
- Application by the Applicant to the Ballardvale Historic District Commission requesting a Modification to the Certificate of Appropriateness, submitted April 24, 2020
- Plan showing front yard setbacks of neighboring properties on River Street

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- Deed recorded with the Essex North Registry of Deeds at Book 15832, Page 167
- PowerPoint presentation prepared by Attorney Johnson and summarizing the proposed project, the history of the project and the Applicant's arguments to the Board
- Letter of the Ballardvale Historic District Commission to Ms. Elizabeth Oltman, Chair of this Board, dated June 1, 2020

There being no other business of the Board, Keller made a motion to adjourn the meeting. Guerette seconded the motion and the Board voted unanimously to adjourn the meeting at 9:48 pm.

Respectfully submitted,  
Barbara Burke, Zoning Administrative Secretary