Present were: Elizabeth Oltman, Chair; Carol McDonough, Clerk; Lisa Rechisky and Daniel Casper, Members; Brian Corrigan, Denise Bordonaro and Ellen Keller, Associate Members.

The meeting opened at 6:30 p.m. Oltman gave a procedural overview.

**Petition Number: Z-19-63**
Premises Affected: 19 Glenmeadow Road
Petitioner: Harrington
Relief requested: variance from Art. VIII, §4.2.4 to install a swimming pool in the front yard area.
Members Sitting: Oltman, McDonough, Faulk, Casper, Rechisky

This is a technical amendment to a decision that was filed with the Town Clerk on July 12, 2019. In an email received on 7/17/19, the petitioner pointed out that the decision referred to Greenwood Road instead of Glenmeadow Road. Keller made a motion to change both occurrences of Greenmeadow to Glenmeadow. McDonough seconded the motion & the Board voted unanimously to make the technical amendment.

**Petition Number: Z-19-80**
Premises Affected: 3 Robandy Road
Petitioner: Howe
Relief requested: special permit under Art. VIII, §3.3.5 &/or for variance from the requirements of Art. VIII, §4.1.2 to construct a 2-car garage addition that will not meet the minimum rear yard depth requirement
Members Sitting: Oltman, McDonough, Bordonaro (for Faulk), Rechisky, Casper

This is a continued deliberation meeting. Oltman noted that Bordonaro will sit in place of Faulk, who is absent. There being no changes to the draft decision, Casper made a motion to accept the decision as drafted. Bordonaro seconded the motion and the Board voted unanimously to approve the draft decision.

**Petition Number: Z-19-81**
Premises Affected: 10 Chester Street
Petitioner: Stanford & Loureiro
Relief requested: special permit under Art. VIII, §3.3.5 &/or for variance from the requirements of Art. VIII, §4.1.2 to construct a 1-story addition that will not meet the minimum front yard depth requirement.
Members Sitting: Oltman, Corrigan (Faulk), Casper, Rechisky, Keller, Bordonaro

This is a continued deliberation meeting to vote on the draft decision. Oltman noted that Corrigan is sitting as the alternate for Faulk, who is absent. There being no changes to the draft decision, Bordonaro made a motion to accept the decision as drafted. Casper seconded the motion and the Board voted unanimously to accept the draft decision.
Petition Number: Z-19-83
Premises Affected: 95 Ballardvale Road
Petitioner: Veletzos
Relief requested: special permit under Art. VIII, §3.1.3.F.4 to create a Family Dwelling Unit within an accessory building.
Members Sitting: Oltman, Casper, Rechisky, McDonough, Bordonaro (for Faulk)
Alternates: Keller, Corrigan

Applicants’ contractor, Bill Foster, of Cote & Foster, represented the Veletzos’, who were also present. The proposed family dwelling unit will be created within a proposed detached garage that will replace an existing accessory structure. The 1-bedroom, single story family dwelling unit will be occupied by the owner’s parents. The mechanicals will be located in the basement and the accessory structure will conform to all setbacks. The Board agreed that the minimum setback is 5’ from the rear and side lot lines, since the entire structure is in the rear yard area. Despite appearances, the lot is not a corner lot. There is existing screening of trees that will remain. The occupants will be Mary & John Boyle. There being no other questions or comments, McDonough made a motion to waive a site view and to close the public hearing. Bordonaro seconded the motion and the Board voted unanimously to waive a site view and close the public hearing. The Board then proceeded to deliberate. McDonough & Bordonaro voiced concern over a dwelling unit being in an accessory structure. Bordonaro made a motion to approve the special permit with the usual conditions as Oltman informed the applicants during the public hearing. Casper seconded the motion and the Board voted unanimously to approve the special permit. Casper made a motion to continue deliberation to the next regular meeting for the purpose of writing a decision. Bordonaro seconded the motion and the Board voted unanimously to continue the deliberation. Bordonaro volunteered to draft the decision.

Petition Number: Z-19-87
Premises Affected: 383 South Main Street
Petitioner: Barton & LaBelle
Relief requested: variances &/or special permits from Art. VIII, §§ 6.3.3 &/or 6.3.5 to import & regrade earth in excess of the bylaw limits and for a special permit under Art. VIII, § 3.1.3.F.4 to create a family dwelling unit
Members Sitting: Oltman, Casper, Rechisky, McDonough, Keller (for Faulk)
Alternates: Bordonaro, Corrigan

Joyce LaBelle, owner, represented herself and her husband, Rich Barton, who was also present. Scott Henderson, civil engineer, made a presentation of the proposed project including the existing conditions of the wet lot (lot slopes to the west with 0-5% grade, an existing pool & septic system that will be removes, an existing headwall that discharges onto South Main Street). The proposed single family dwelling with family dwelling unit will conform to all setbacks. The driveway will be relocated and drainage mitigation will direct water to drain at / near Belknap Drive where there is an existing drain. Ground water is at 24-32” below grade. The earth movement will consist of 513 cubic yards (500 cubic yards / acre is allowed) and the regrading for this site will include 822 cubic yards (where up to 800 cubic yards is allowed). 800-1000 cubic yards will be imported and the total regrading will take 1435-1635 cubic yards. The regrading will include a swale at the front of the lot to direct water around to the back of the lot. The northerly abutter is up gradient. The south side is flat with a gently gradient toward the rear, but they can create a berm to move the water to the back yard. Roof infiltration will be collected at the front of the site and there will be no marked change in impervious area. Henderson informed the Board that he spoke with DPW – Engineering regarding the catch basin in Belknap Road who suggested that they might be allowed to make a hard-piped connection to the catch basin. The Board discussed the front elevation of the proposed house considering the proposed increase in grading. The first floor height will be at 102.9’ while the street is at 98’ according to the engineer. This will force water to shed away from the house and reroute it within the lot. Currently, water pools in the front yard. Soil testing has been done. The soil is not clay, but the water table is high. Mass DOT may need to grant permission for a curb cut for the
relocated driveway. The applicants / their engineer will handle that application and Andover DPW will conduct the curb cutting. In regards to the slope of the lot and drainage, the Board inquired as to the elevation of Belknap Drive. It is 7’ below South Main Street and over 200’ away. Regarding the family dwelling unit, Ms. LaBelle summarized their age-in-place house proposal: a single family, single story house designed to fit the neighborhood, which will include a two bedroom, 2-bathroom family dwelling unit for their special needs son and his care provider. Oltman informed the applicants of the standard conditions for family dwelling units: special permit is valid for 5 years, is specific to the named occupant, can be renewed upon application to the ZBA prior to the expiration date of the special permit, and requires the removal of the cooking facility when the occupant no longer resides in the unit. She asked for the occupant’s name. Ross Barton will reside in the family dwelling unit. LaBelle submitted two letters of support from abutters. Oscar Rodriguez, 387 South Main St., voice his support for the new house but is concerned about the 6’ increase in the grade and the relocation of the driveway nearer his lot. His concern is related to the potential for run-off going onto his lot or possible piping under the driveway. Oltman noted that a berm will be created along their common lot line to keep water on 383 South Main Street. Scott Henderson, engineer, explained that the driveway will pitch forward & direct water toward the front swale and berm. He noted his clients’ willingness to agree to a condition of the same. Richard Barton informed the Board that he spoke with the northerly abutter who voiced no concern. Oltman stated that the letters of support submitted earlier are from #14 and #15 Belknap Drive. Casper asked for the hardship. Henderson stated that the hardship relates to the soil conditions (high ground water and drainage issues) and the topography (too flat, which is a topographical condition that is difficult to manage) adding that the proposal allows the best age-in-place design. The basement is not finished but will be used for mechanical equipment only. Henderson explained that a basement is easier to pour than a slab and if the house were on a slab, the footprint would be larger to accommodate the mechanical equipment. There being no other questions or concerns from the public or the Board, McDonough made a motion to waive a site view and to close the public hearing. Casper 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. In deliberation, the Board agreed that the proposal would improve the site, particularly with the addition of a berm. Keller made a motion to approve the variance for additional fill to be imported and regraded above the limits with the condition of the berm being created in the southern portion of the lot and to approve the special permit for the family dwelling unit with the standard conditions. McDonough seconded the motion and the Board voted unanimously to grant the variance and to approve the special permit. Keller made a motion to continue the deliberation to the next regular meeting for the purpose of drafting a decision. McDonough seconded the motion and the Board voted unanimously to continue the deliberation. Oltman volunteered to draft the decision.

Petition Number: Z-19-93
Premises Affected: 1 Cheever Circle
Petitioner: Brooks
Relief requested: special permit under Art. VIII, § 3.3.5 &/or for a variance from Art. VIII, §4.1.2 to construct an attached garage addition that will not meet the minimum rear or side yard depth requirements.
Members Sitting: Oltman, Casper, Rechisky, McDonough, Corrigan (for Faulk)
Alternates: Bordonaro, Keller

Mark Yanowitz, architect from J.D. LaGrasse & Associates, represented the Brooks, who were also present along with Bill Foster, their builder. The proposed addition will replace an existing detached garage, improve the kitchen and create a mudroom for direct access to the house from the garage. The applicants wish to improve accessibility so that they can age in place. The proposed side and rear setbacks will be increased: from a 5’ side setback to 7.5’ and from an 18.5’ rear setback to 24.3’. There were no members of the public wishing to speak on this application. Douglas Brooks, owners, informed the Board that he did speak with the abutters, none of whom expressed any concern. There being no other comments or questions from the Board or the public, Corrigan made a motion to waive a site view and close the public hearing. Casper seconded the motion and the Board voted unanimously to waive a site view and close the hearing. The Board then proceeded to
August 1, 2019

deliberate. In deliberation the Board felt that it is a good project. Casper made a motion to approve the special permit under 3.3.5 and to deny the variance from 4.1.2 as moot. Corrigan seconded the motion and the Board voted unanimously to approve the special permit and to deny the variance as moot. Corrigan then made a motion to continue the deliberation for the purpose of drafting a decision. Rechisky seconded the motion and the Board voted unanimously to continue the deliberation. Casper volunteered to draft the decision.

Petition Number: Z-19-95
Premises Affected: 15 Gould Road
Petitioner: Cavallaro
Relief requested: an extension of Decision Z-18-73.
Members Sitting: Oltman, Casper, Rechisky, McDonough, Corrigan (for Faulk)
Alternates: Bordonaro, Keller

Attorney Peter Caruso represented the Cavallaros’ request for an extension of Decision Z-18-73 that granted a variance to construct a single-family dwelling on a lot that lacks frontage. Caruso informed the Board that his clients have finally found someone to build a single-family dwelling on the lot. A Purchase & Sale agreement has been signed, but further Town board reviews are required along with a building permit as conditions of the agreement. Further, the variance expires this month. The Board noted that they could grant a one-time six-month extension. Caruso commented that they might not be able to get a permit within six months and that this is a difficult lot to develop due to the lack of frontage and wetlands. It may take seven months to get all required approvals. The Board advised that the applicants would have to return in order to request relief anew if they cannot obtain all approvals in time. There being no other questions or comments from the Board or the public, Rechisky made a motion to waive a site view and close the public hearing. Corrigan seconded the motion and the Board voted unanimously to waive a site view and close the hearing. The Board then deliberated. Corrigan made a motion to approve the 6-month extension from the date that Decision Z-18-73 expires. McDonough seconded the motion and the Board voted unanimously to approve the 6-month extension. Corrigan made a motion to continue deliberation for the purpose of drafting a decision. Bordonaro seconded the motion and the Board voted unanimously to grant the 6-month extension.

Minutes

Minutes of 6/6/19: There being no changes to the draft minutes, Keller made a motion to approve the minutes of 6/6/19 as drafted. Corrigan seconded the motion and the Board voted unanimously to approve the minutes of 6/6/19.

Discussion Items
1. The ZBA will hold the annual meeting and elections for Chair and Clerk at the regular meeting in September.
2. No one has heard anything more from the Select Board regarding the three members’ terms that expired on June 30, 2019.

There being no other business of the Board, Rechisky made a motion to adjourn the meeting. Corrigan seconded the motion and the Board voted unanimously to adjourn the meeting at 7:40 pm.

Respectfully submitted,
Barbara Burke, Zoning Administrative Secretary