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

The meeting opened at 6:30 p.m. Oltman gave an abbreviated overview.

**Petition Number: Z-19-79**
Premises Affected: 22 River Street
Petitioner: Carroll
Relief requested: modification of Decision Z-18-130 and/or for variances from Art. VIII, §4.1.2 &/or §4.1.3.2.b to construct stairs that will encroach into minimum front yard depth requirement
Members Sitting: McDonough, Faulk, McDonough, Rechisky, Bordonaro, Keller

Petitioner requested to continue without discussion to the 10/3/19 meeting due to ongoing process with Ballardvale Historic District Commission. Faulk made a motion to continue the hearing without discussion to the 10/3/19 meeting. McDonough seconded the motion and the Board voted unanimously to continue the hearing without discussion to the 10/3/19 meeting. The Board noted that an extension had been previously received.

**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, Faulk
Alternates: Keller

This is a continued deliberation. There being no changes to the draft decision, McDonough made a motion to approve the decision as drafted. Casper seconded the motion & the Board voted unanimously to approve the decision as drafted.

**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)

This is a continued deliberation. There being no changes to the draft decision, Keller made a motion to approve the decision as drafted. Casper seconded the motion and the Board voted unanimously to approve the decision as drafted.
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, Faulk  
Alternates: Bordonaro (for Corrigan)

This is a continued deliberation. There being no changes to the draft decision, Casper made motion to approve the decision as drafted. McDonough seconded the motion and the Board voted unanimously to approve the decision as drafted.

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  
Alternates: Keller (for Corrigan)

This is a continued deliberation. Bordonaro noted that her name should be changed to Carol’s on page 2. There being no other changes, Keller made a motion to approve the draft decision as amended. Casper seconded the motion and the Board voted unanimously to approve the draft decision as amended.

Petition Number: Z-19-98  
Premises Affected: 191 Holt Road  
Petitioner: Eckstein  
Relief requested: as Parties Aggrieved for review of a decision made by the Building Inspector relative to Decision Z-18-48  
Members Sitting: Oltman, McDonough, Faulk, Rechisky, Casper

Greg & Joyce Eckstein of 9 Moreland Avenue represented themselves in their petition as Parties Aggrieved. The Eckstein’s allege that the condition in Decision Z-18-48 requiring a planted barrier has not been met. They request a revision of Decision Z-18-48 to direct the Nardones, owners of 191 Holt Rd., to plant a barrier and to direct the Inspector of Buildings via guidelines to enforce the conditions. They have spoken with the Nardones to coordinate a tree barrier, preferably 11-12’ plants to screen the first floor the house at 191 Holt Rd. with no resolution. The Ecksteins objected to the fence on top of the stonewall. They submitted photographs of the fence emphasizing that they do not want to wait years to enjoy the benefits of planted screening. The Ecksteins are requesting that the Nardones develop a planted barrier screening and submit it to the Inspector. They feel that the planted barrier will buffer noise. The Board discussed the existing fence, its location and the fact that since the fence is on the lot line, a planted barrier would be on the Ecksteins lot, or the fence would have to be moved further into the Nardone lot. Inspector of Buildings Chris Clemente submitted photos that he took from the Nardones property. The photos depicted the pool, the fence and some plantings within the fence. Clemente informed the Board that the section of the bylaw the Ecksteins referred to applies to industrial districts. He reminded the Board that the special permit approved for 191 Holt Rd was for the conforming house on the non-conforming lot. Clemente feels that the fence is a sufficient barrier adding that the decision does not specify exactly what the planted barrier should be made of. The Building Code requires a permit for fences over 7’. The Ecksteins allege that the fence is taller than 7’ and there is no planted barrier. The Ecksteins confirmed that they planted the trees depicted in their photos on their lot. Casper inquired if the Ecksteins would be happy if more trees were planted between their existing trees. They stated that if higher trees were planted between their trees, they would be happy. Casper asked how many trees would suffice. Erin Nardone, owner of 191 Holt Rd.,
argued that the barrier screening on the permit states ‘along’, not ‘on’ the property line. It does not specify the number of plants or the height. Law requires a fence. She added that if they planted on the lot line, they would lose 4-5’ of their lot for plants and would have to go onto the abutters lot to maintain them. The existing privacy fence will maintain privacy and its height is the same whether or not it is on top of a retaining wall. Nardone informed the Board that there are 13 6-7’ and some 10’ tall trees for barrier screening. She feels that the request to screen a residential property from a residential property shouldn’t be dictated by anyone. Clemente agreed that the height of the fence is a measurement of the fence structure itself, not the retaining wall. Joyce Eckstein disagreed. The Board discussed with the residents the state of the lot prior to construction of the current house. There were many trees. Rechisky requested that the Ecksteins email any photos of the lot prior to the current house’s construction. Clemente pointed out that a 4’ planted barrier could have been installed instead of the fence. The Board discussed whether a site view is necessary. While Rechisky wanted to see it, she did not want to prolong the dispute. Casper & McDonough did not feel the need to view the properties. Faulk made a motion to waive a site view and to close the public hearing. Casper seconded the motion and the Board voted unanimously (5-0) to waive a site view and to close the public hearing. The Board then proceeded to deliberate. In deliberation, the Board considered whether condition 2 in Decision Z-18-48 has been met, whether additional trees on the Eckstein’s side would be satisfactory and how the situation has been handled thus far. Casper felt that the owner of 191 Holt Road has not complied with the spirit of the letter of the condition recalling discussion at the hearing regarding screening since the Board felt that the Eckstein’s concerns could be mitigated by adding the condition requiring a planted barrier. Faulk expressed her discouragement that the neighbors have not worked it out between themselves. While Faulk felt that the petitioners may be asking a bit too much regarding the height of the planted trees, she disagreed with the Nardone’s argument that they would have to give up lot area as that is exactly what the Board contemplated in placing the original condition. Faulk felt that the screening that has been installed does not benefit the abutter as far as planted screening is concerned. Rechisky recalled that she wrote the decision and the intent of the condition has not been met. Novaria pointed out that it appears another abutter’s driveway and grass was replaced due to the construction. The same courtesy could have been extended to the rear abutters. McDonough also agreed with Faulk. The Board discussed remedies, including such draconian solutions as revoking the Certificate of Occupancy and moving the fence. Also discussed was to continue deliberation so that 191 Holt Road could return to the Board with a landscape plan or overturning the Inspector of Buildings. Oltman summarized the Board’s discussion, which appears to indicate that the Board stands by the original condition #2 requiring a vegetative, planted barrier along the property line of 191 Holt Road to screen the pool fence and the lot line in general. The Board does not appear to be willing to order the removal of the fence at this time. Nor does it feel that it is up to them to craft a solution, but rather to either enforce the condition or not. The Board emphasized that the discussion should inform the parties enough and that the Inspector shall enforce the condition(s). The Board considered whether or not to reopen the hearing to continue to next month in order to see if the neighbors find a solution. Keller suggested that if a solution is found, they could withdraw the appeal. Faulk made a motion to continue deliberation to October. McDonough seconded the motion and the Board voted unanimously to continue deliberation to October.

**Minutes**

**Minutes of 7/11/19:** Bordonaro noted that on Page 3 under Z-19-80 in the 7th line it should read that Faulk made a motion. 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.

**Minutes of 8/1/19:** There being no changes to the draft minutes, Casper made a motion to approve the minutes of 8/1/19 as drafted. McDonough seconded the motion and the Board voted unanimously to approve the minutes of 8/1/19.

**Discussion Items**
1. The ZBA will hold the annual meeting and elections for Chair and Clerk at the regular meeting in October.

There being no other business of the Board, Casper made a motion to adjourn the meeting. Bordonaro seconded the motion and the Board voted unanimously to adjourn the meeting at 7:30 pm.

Respectfully submitted,
Barbara Burke, Zoning Administrative Secretary