



MINUTES OF THE ZONING BOARD OF APPEALS
ANDOVER, MASSACHUSETTS

Select Board Meeting Room, 3rd Floor, Town Hall, 36 Bartlett Street
November 7, 2024
6:30 p.m.

Participating Members: Elizabeth Oltman, Chair, Carol McDonough, Clerk, Lisa Rechisky (absent) Kathy Faulk, Ellen Keller
Associate Members: David Guerette, Michael Novaria, Daniel Lopez, Michael Wellikoff
Also participating: Chris Clemente, Building Inspector

The meeting opened at 6:30 p.m.

REQUEST TO WITHDRAW:

Petition Number: Z-24-31
Premises Affected: 6 Rogers Brook East
Petitioners: Judith & Gregory Trerotola
Relief Requested: Variance from Art. VIII § 4.1.2 & § 4.1.3.2.a and/or special permit under Art. VIII 3.3.5.2 to subdivide a parcel and construct a new single/family dwelling on the new non-conforming site
Members Sitting: Oltman, Keller, McDonough, Faulk
Alternate Members: Lopez

SUMMARY: Zoning staff received a request to withdraw without prejudice dated October 29, 2024.

VOTE: McDonough made a motion and Keller seconded, to withdraw the application without prejudice. Roll call vote was taken. All in favor.

DOCUMENTS:

Request to withdraw; Dated October 29, 2024, Prepared by Mark. B. Johnson

NEW PUBLIC HEARINGS:

Petition Number: ZBA-24-49
Premises Affected: 116 Main Street
Petitioners: Marc Fiscel
Relief Requested: Variance from Article VIII, §4.1.2 and/or a special permit under Article VIII §3.3.5 to construct a garage that will encroach into the minimum side yard depth requirements
Members Sitting: Oltman, Keller, McDonough, Faulk
Alternate Members: Guerette

SUMMARY:

Homeowner, Matt Fiscel appeared before the board. This work will include the removal and replacement of the garage. He received permission from the Preservation Commission. Ms. Oltman read an abutters email, who was concerned about the limit of work line, how they will demo the garage and if the builder had insurance. The applicant assured the demo would be done by hand due to the size and proximity to the lot line. He also assured he had the appropriate insurance, and they could find that information with the building department.

With their being no public comments, Keller made a motion to waive viewing of the property and close the hearing, with McDonough seconding.

VOTE: Keller made a motion, and McDonough seconded, to approve the special permit under Article VIII § 3.3.5 to construct a garage that will encroach into the minimum side yard depth requirements. Variance is denied as moot. All in favor (5-0).

DOCUMENTS:

- Existing Conditions- Site Plan; dated 10/29/2024, Prepared by: George Collin, Land Surveyor
- Architectural Plans- Dated 4/9/2024, Prepared by Peter Sandorse, Registered Architect

Petition Number: ZBA-24-50

Premises Affected: 62 Elm Street

Petitioners: Theodore Dawson

Relief Requested: Special permit under Article VIII, §3.3.5 to rebuild a front porch and rear deck that will encroach into the minimum front and rear yard depth requirements.

Members Sitting: Oltman, Keller, McDonough, Faulk

Alternate Members: Novaria

SUMMARY: Theodore and Paulette Dawson, Homeowners, appeared before the board. They explained they were repairing the porch and deck and decided to rebuild due to the condition. They will make the deck and porch fit and look better on the lot.

With their being no public comments, Faulk made a motion to waive viewing of the property and close the hearing, with McDonough seconding.

VOTE: Keller made a motion, and Wellikoff seconded, to approve the special permit under Article VIII, §3.3.5 to rebuild a front porch and rear deck that will encroach into the minimum front and rear yard depth requirements. All in favor (5-0).

DOCUMENTS:

- Certified Plot Plan dated 10/4/2023; Prepared by Merrimack Engineering Services
- Existing Building Pictures
- Proposed Building Pictures

Petition Number: ZBA-24-51

Premises Affected: 128 High Street

Petitioners: Amy Lu & Tom Tao

Relief Requested: Variance from Article VIII, §4.1.2 and/or a special permit under Article VIII §3.3.5 to construct an addition that will encroach into the minimum front yard depth requirement.

Members Sitting: Oltman, Keller, McDonough, Faulk

Alternate Members: Wellikoff

SUMMARY: Homeowners, Amy Lu & Tom Tao appeared before the board with the project manager, Will. They discussed enclosing the front porch and extending the size from 5' X 5' to 11' X 5'. The front will remain the same, and they are just making it wider.

With their being no public comments, McDonough made a motion to waive viewing of the property and close the hearing, with Keller seconding. The Board discussed the proposed plans are expanding the non-conformity.

VOTE: Keller made a motion and Wellikoff seconded, to approve the special permit under Article VIII §3.3.5 to construct an addition that will encroach into the minimum front yard depth requirement. Variance is denied as moot. All in favor (5-0).

DOCUMENTS:

- Plot Plan dated September 20, 2024, Prepared by Summit Surveying. INC
- Demo & Proposed Plans-A-101, dated 9/24/2022, Prepared by Xiaoying Chen, Registered Architect
- Proposed Elevations- A-102, dated 9/24/2022, Prepared by Xiaoying Chen, Registered Architect

Petition Number: ZBA-24-52

Premises Affected: 49R Elm Street

Petitioners: Stepherely Hyppolite

Relief Requested: Variance from Article VIII, §4.1.2 and/or a special permit under Article VIII §3.3.5 to construct an addition that will encroach into the minimum front yard depth requirement.

Members Sitting: Oltman, Keller, McDonough, Faulk

Alternate Members: Novaria

SUMMARY: Mark Yanowitz, Architect appeared before the board on the homeowner's behalf. He stated the addition, which is 20' x 14' is going to make the rear set back down to seven feet, from 10 feet. There have not been any previous decisions at this address. Abutter, Brad Weeden, came to support the addition.

With their being no public comments, McDonough made a motion to waive viewing of the property and close the hearing, with Keller seconding. The Board discussed the proposed plans are expanding the non-conformity.

VOTE: McDonough made a motion and Keller seconded, to approve the special permit under Article VIII §3.3.5. Variance is denied as moot. All in favor (5-0).

Petition Number: ZBA-24-53

Premises Affected: 22 Pasho Street

Petitioners: Matthew Preskenis

Relief Requested: Variance from Article VIII §4.1.2 and/or special permit under §3.3.5 for an addition that will encroach into the minimum side yard depth requirement.

Members Sitting: Oltman, Keller, McDonough, Faulk

Alternate Members: Guerette

SUMMARY: Mark Yanowitz, Architect appeared before the board on the homeowner's behalf. Currently, there is a one-story sunroom, and they are looking add above. Ms. Yanowitz verified is not on any historical list.

With their being no public comments, McDonough made a motion to waive viewing of the property and close the hearing, with Wellikoff seconding. The Board discussed the proposed plans are expanding the non-conformity.

VOTE: McDonough made a motion and Wellikoff seconded, to approve the special permit under Article VIII §3.3.5 for an addition that will encroach into the minimum side yard depth requirement.

Variance is denied as moot. All in favor (5-0).

Petition Number: ZBA-24-54

Premises Affected: 202 Andover Street

Petitioners: Larry Marocco

Relief Requested: Special permit under Article VIII §3.1.3.C.20 to operate a motor vehicle repair garage

Members Sitting: Oltman, Keller, McDonough, Faulk

Alternate Members: Novaria, Lopez, Guerette

SUMMARY: Larry Marocco appeared before the board. He is the co-owner of the existing repair garage that was built in 1969. The current operation is open from 6:30am-7:00pm. He is here to continue the use and receive a special permit. Ms. Oltman wanted to verify that they are not selling vehicles. Four abutters from the site came to show opposition to the special permit. Jenny Kennelly, Kelly Higgins, Barbara Burke and Susanne Willard spoke about the noise level, parking issues, and the character of the neighborhood. There was a discussion from the board whether they should be applying for a variance under 4.1.5.2, due to the proximity of the Andover Islamic Center. Ms. Oltman will check with Town Counsel, and if needed, it will be re-noticed, and abutters list will be sent again.

Larry Marocco will review a proposed set of conditions sent by an abutter, Barbara Burke.

To get input from Town Counsel and review conditions, the hearing will be continued to the December 5th meeting.

Motion was made by Guerette and seconded by Keller to continue hearing to the December 5, 2024, meeting.

CONTINUED DEBLIBERATIONS:

Petition Number: Z-24-48

Premises Affected: 202 Andover Street

Petitioners: Barbara Burke

Relief Requested: Party Aggrieved for review of a decision made by the Inspector of Buildings

Members Sitting: Oltman, Keller, McDonough, Faulk

Alternate Members: Novaria, Lopez

SUMMARY: Board had no comments or questions regarding the draft decision.

VOTE: McDonough made a motion, and Lopez seconded, to approve the decision as drafted. All in favor. (5-0)

DOCUMENTS AND MATERIALS

Draft Decision

Petition Number: Z-24-48

Premises Affected: 105 Salem Street

Petitioners: Ann Johnson

Relief Requested: Variance from Art. VIII, §4.1.2 and/or a special permit under 3.3.5 for the addition of a garage that will encroach into the minimum side yard depth requirement

Members Sitting: Oltman, McDonough, Faulk, Keller

Alternate Members: Lopez

SUMMARY: Board had no comments or questions regarding the draft decision.

VOTE: McDonough made a motion, and Lopez seconded, to approve the decision as drafted. All in favor. (5-0)

DOCUMENTS AND MATERIALS

Draft Decision

DISCUSSION ITEMS AND OTHER BUSINESS:

Approval of meeting minutes dated October 3, 2024.

VOTE: Motion made by McDonough, Lopez seconded, to approve the meeting minutes dated October 3, 2024.

BOARD TO ELECT A NEW CHAIR AND CLERK

Board voted to reelect Ms. Oltman as Chair, and Ms. McDonough as Clerk.

VOTE TO ADJOURN

There being no other business, McDonough made a motion to adjourn the meeting, Lopez seconded the motion. The Board voted unanimously to adjourn at 7:57 p.m.