

Town of North Andover  
ZONING BOARD OF APPEALS

Approved  
Nov  
13, 2012

*Albert P. Manzi III, Esq. Chairman*  
*Ellen P. McIntyre, Vice-Chairman*  
*Richard J. Byers, Esq. Clerk*  
*D. Paul Koch Jr. Esq.*



Associate Member  
*Michael P. Liporto*  
*Tyler Speck*  
Zoning Enforcement Officer  
*Gerald A. Brown*

**DRAFT MINUTES**

**Tuesday, September, 11 2012 at 7:30 PM**  
**Town Hall 120 Main Street, North Andover, Massachusetts**

**Members present: Ellen McIntyre (Acting Chairman), Paul Koch**  
**Associate Member: Michael Liporto and Tyler Speck**  
**Also in attendance: Local Building Inspector: Brian Leathe**  
**Excused absence: Albert Manzi III, Esq. Richard Byers**

Chairman, Albert Manzi has an excused absence. In his absence Vice-Chairman, Ellen McIntyre will be the Acting Chairman at tonight's meeting.

McIntyre called the meeting to order at **7:50**

**Pledge of Allegiance**

McIntyre made a request to all that attended tonight's meeting to please take some time to honor and reflect of the events that took place on September 11<sup>th</sup> when saying the words of the pledge of Allegiance.

McIntyre stated that we are waiting for our 5<sup>th</sup> board member to arrive before we get to the public hearings. McIntyre stated at the moment we only have a (4) four member board. McIntyre requested that we take care some of the paper work and correspondences while we are waiting for the other board member to arrive.

**Acceptance of Minutes for August 14, 2012**

Koch made the motion to approve the Minutes

Liporto Second the motion.

Those voting in favor to approve the minutes were McIntyre, Koch, Liporto and Speck.

4-0

**Committee Report Housing Partnership Report**

McIntyre stated that she did not have anything new to report.

**For Discussion and Review**

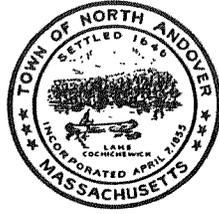
**Proposed Form J lot release for Orchard Village**

Don Bornstein, the Attorney representing Bob Messina's project for Orchard Village is here to request a lot release.

A letter was also included for the project from their Engineer, Christiansen & Sergi requesting the lot release.

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Bornstein reminded the Board of the \$100,000.00 bond.  
McIntyre asked Borenstein when his client could get the \$100,000.00 bond back. Borenstein responded when the paving was complete.

Koch made a motion to release Lot 32

Liporto second the motion

Those voting in favor to release Lot 32 in Orchard Village were McIntyre, Koch, Liporto and Speck.

4-0

McIntyre and the rest of the Board signed the form to release (the last lot) Lot 32 in Orchard Village.

### **Zoning Board 2013 Meeting Schedule**

Approval of the 2013 Meeting Schedule for the Zoning Board

Koch made a motion to approve

Liporto second the motion

Those voting in favor to approve the 2013 Meeting Schedule for the Zoning Board were McIntyre, Koch, Liporto and Speck.

4-0

Next on our agenda are the Preliminary drawings for the Riding Academy on 16 Berry Street. McIntyre wanted it to be known that they have not officially filed this 40B project at the Zoning Board of Appeals Department yet.

McIntyre went on to say that in all the years that she has been doing 40B's she has never entertained discussing a 40B without it being officially filed.

McIntyre felt that it should not have been put on the agenda at this point, since it is just preliminary drawings.

Two members of the audience asked to speak regarding 16 Berry Street.

Pat Lavery, of 259 Campbell Road asked the Board why it got on the agenda. McIntyre explained to Lavery the difference between a Discussion and Public Hearing and it is up to her discretion if it should be discussed, but since it is only a preliminary there is nothing to discuss. McIntyre stated that once it gets submitted officially to the Zoning Board it will be different and the public can make comments.

Gene Sullivan, of 28 Stonewedge Circle walked up to the podium and asked if this Board had plans to make comments to the Board of Selectman regarding the 40B project. McIntyre responded not yet, since it has not been officially submitted to the Board.

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McIntyre stated that she appreciated everyone coming out but it has not been officially submitted yet so it is difficult to discuss at the point.

Koch asked if these drawings should be tabled. McIntyre responded that she did not think it would be worth tabling since these plans will change a few times over before they get officially submitted to the Board.

McIntyre wanted to take a quick recess at 8:05 to see where the 5<sup>th</sup> member is and if he plans on attending.

McIntyre walked back into the room and stated it is now 8:10 and she wants to call an Executive Session for just about 5 minutes.

McIntyre called the meeting back to order at 8:15 and stated that it looks like we are again a 4 member Board.

McIntyre stated that if the applicants want to discuss their hearings in front of the 4 member Board tonight they can, and Byers can catch up on what took place at tonight's meeting (regarding Upland Street and Second Street), and we can continue this hearing and vote at the next meeting.

McIntyre apologized but wanted to remind everyone that the board is made up of volunteers and that they are all North Andover citizens.

McIntyre stated that we can move to the 1077 Osgood Street petition. They requested to continue this hearing till the October 9<sup>th</sup> Meeting. Koch read the letter that was included by the engineer who is representing them, Lynnfield Engineering, dated September 10<sup>th</sup> and signed by the engineer.

Koch made a motion to continue the hearing until the October 9<sup>th</sup> Meeting.

Liporto second the motion

Those voting in favor to continue the hearing until October 9<sup>th</sup> were, McIntyre, Koch, Liporto and Speck.

4-0

Atty. Scalise walked up to the podium and stated he just wanted 2 minutes with his Clients.

Scalise walked back to the podium and stated both his clients wanted to continue till the next scheduled meeting, or set up a special meeting.

Koch made a motion to continue to the next scheduled meeting.

Liporto second the motion to continue.

Those voting in favor to continue the hearing for **41 Second Street** were McIntyre, Koch, Liporto and Speck.

All were in favor to continue this hearing; 4-0.

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Koch made a motion to continue to the next meeting scheduled  
Speck second the motion to continue.  
Those voting in favor to continue the hearing for **22 Upland Street** were McIntyre, Koch, Liporto, Speck .  
All were in favor to continue this hearing; 4-0.

Scalise signed the two continuation waive forms one was for 41 **Second Street** and the other was for **22 Upland Street**. Scalise returned the signed forms back over to the Zoning Assistant.

**Miscellaneous Correspondence**

McIntyre asked the Board to take a look at the correspondences and also to take some time to read the 40B Handout that was included in the mailings to the Board.

Correspondences included:

- Permit Extension Act submitted from Tom Urbelis, dated August 13, 2012
- Merrimac Condominiums (PE-267), Final Approval from MassHousing, dated August, 10,2012
- Request to fill the Board of Appeal vacancies sent from Albert Manzi III, Esq., Time Stamped August 16, 2012 (sent to William Gordon, Chairman).

Koch made a motion to adjourn  
Speck second the motion  
Those voting in favor to adjourn, Ellen McIntyre, Paul Koch JR, Michael Liporto and Tyler Speck.  
All were in favor, 4-0.

**Adjournment: 8:26**