

Town of North Andover
ZONING BOARD OF APPEALS

APPROVED
Oct 14,
14

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



Associate Member
Michael P. Liporto
Deney Morganthal
Doug Ludgin
Zoning Enforcement Officer
Gerald A. Brown

DRAFT MINUTES

Tuesday, September 16th, 2014 at 7:30 PM

Senior Center 120R Main Street, North Andover, Massachusetts

Members present: Albert P. Manzi, Rick Byers, D. Paul Koch Jr and Allan Cuscia
Associate Member: Doug Ludgin, and Deney Morganthal
Also in attendance: Zoning Enforcement Officer, Gerald Brown
Excused absence: Ellen McIntyre, and Michael Liporto

Pledge of Allegiance

Manzi called the regular meeting to order at 7:40

Acceptance of Minutes August 12, 2014

Koch made the motion to approve the Minutes

Cuscia second the motion.

Those voting in favor to approve the minutes were Manzi, Byers, Koch, Cuscia, and Ludgin
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Committee Reports

Merrimack Valley Planning Commission and Committee Housing Partnership

Manzi stated that McIntyre is not at the tonight's meeting, so we will table her report till the next meeting.

Byers stated that the MVPC did not have any meetings over the summer, but they will be meeting this week. Byers spoke of the Citizen Planning Workshop and the various courses that they will be offering. Byers stated that soon brochures will be available and distributed to the Board.

Discussion and Review

Zoning Board 2015 Meeting Schedule

Manzi stated that he would like to table this discussion until the October meeting, since we have excused absences from two of the Board members tonight.

Manzi move onto the new public hearing.

Byers read the legal notice for 22 Harkaway Road.

New Public Hearing

For a Special Permit and Variance, Zoning District R-4, Andrew and Eileen Brien, 22 Harkaway Road (Map 95 Parcel 51) Petition 2014-007A (Special Permit) and 2014-007 B(Variance)

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Andrew Brien owner and resident of the property at 22 Harkaway walked up to the podium and stated that he and his wife, Eileen would like to construct an addition of a Sitting Room/Mud Room to their home, that is a duplex (condex).

Brien spoke of the neighborhood and the view in the back of his yard, where he plans on adding the proposed addition.

The size of the Sitting Room /Mud Room will be 22 feet by 10 feet and will be only a 1 story addition. Brien stated that it will include a slider with a small deck going into the backyard. The addition will be located at the side/rear of the present structure and will not be any closer than 14 feet. Brien went on to say that in no way would it affect the neighborhood or any abutters, the only infringement would be to an abandoned railroad bed to the rear of the lot line.

Brien stated that he and his wife have lived at this residence for 35 years and would like to continue to live there and enjoy their home. Brien went on to say that they both would like to construct this structure for comfort, storage, enjoyment and also for present and future uses.

Brien stated that they are seeking permission from the Board to construct this proposed addition and need both a Variance and a Special Permit

Brien also mentioned to the Board that they understand that this proposed project would be constructed on a pre-existing, non-conforming structure.

Manzi stated that he noticed the Brien's had many abutters.

Andrew Brien commented to the Board on the 3 letters of support from the abutters regarding the proposed project. He submitted the following 3 letters to the Board as part of the application

1. Susan and David McEvoy, 20 Harkaway Road, dated September 15, 2014-Exhibit 1
2. Theresa Beaudoin, 26 Harkaway-Exhibit 2
3. Michael Grenier, 32 Harkaway-Exhibit 3

Manzi requested that these letters of support be placed in the file for 22 Harkaway Road for the record.

Manzi also mentioned that he does not see any abutters in the audience.

Manzi asked if the Board members had any questions.

Manzi asked Brown if he had anything to add, Brown stated that the building Department is support of this project. Brown also stated that it will add privacy not just for the Briens's but for abutters as well, since it is not an open deck.

Manzi thought it was an easy project to support, given the facts, letters of support, and no opposition.

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Koch made a motion to close the public hearing for 22 Harkaway Road for a Special Permit and a Variance

Cuscia second the motion

All those in favor to close the public hearing; Albert P. Manzi III, Richard J. Byers, D. Paul Koch Jr., Allan Cuscia, and Deney Morganthal

5-0

Koch made a motion to **Grant Variance (petition 2014-007B)** from Table 2 of the Zoning Bylaw for 22 **Harkaway Road (Map 95, Parcel 51)** to construct a Sitting Room/Mud Room. The Variance is for a rear yard setback, required is 30', proposed is 16', relief is 14' in the R-4 Zoning District. Koch referenced all the drawings, plans, letters and written material that were in front of him along with the associated dates and those that prepared and created the plans and drawings.

Byers second the motion

All in favor to Grant the Variance; Albert P. Manzi III, Richard J. Byers, D. Paul Koch Jr., Allan Cuscia, and Deney Morganthal.

The motion was unanimously approved and the Variance was granted.

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Koch made a motion to **Grant the Special Permit (petition 2014-007A)** from Section 9.1 for a pre-existing non-conforming structure of the Zoning Bylaw in the R-4 Zoning District for 22 **Harkaway Road (Map 95, Parcel 51)** to construct a Sitting Room/Mud Room.

The Special Permit is needed for a pre-existing non-conforming structure or uses however may be extended or altered. Koch referenced all the drawings, plans, letters and written material that were in front of him along with the associated dates and those that prepared and created the plans and drawings

Byers second the motion

All in favor to **Grant the Special Permit**; Albert P. Manzi III, Richard J. Byers, D. Paul Koch Jr., Allan Cuscia, and Deney Morganthal

The motion was unanimously approved and the Special Permit was granted.

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Miscellaneous Correspondence

Manzi commented briefly on the correspondences that were in the Board's packets.

A letter addressed to the Town Clerk, Joyce Bradshaw sent from the Office of Urbelis and Fieldsteel, LLP signed by Carol Hajjar McGravey, dated, August 20, 2014 was submitted into the Board's package. This letter was regarding Street Acceptance Deed and Easements (Empire Drive).

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Another letter from CHAPA dated August 22, 2014 was also included into the Board's packet. The letter was signed by Brenda Clement, executive Director of CHAPA. The purpose of this letter is to provide the Zoning Board with an update on the services that CHAPA has provided to date.

Adjournment: 7:55

Cuscia made a motion to adjourn.

Koch second the motion

All were in favor to adjourn the meeting: Manzi, Byers, Koch, Cuscia, Ludgin and Morganthal