

TOWN OF ANDOVER
ZONING BOARD OF APPEALS
WEDNESDAY, OCTOBER 20 2021 - 7:00 P.M.
LOCATION: VIRTUAL MEETING VIA ZOOM

PUBLIC HEARING AND REGULAR MEETING MINUTES

Members Present: William Desrosiers – Chair, Kathleen Skorka – Vice Chair, Walter Weir, and William Munroe

Member Absent: Ylo Anson and David Gostanian (alternate)

Others Present: Zoning Agent – Jim Hallisey, Board Clerk – Abbie Winter, Nick Clark, John Kerrigan, and Robert Berring

- 1) CALL TO ORDER: Chair W. Desrosiers called the regular meeting to order at 7:02 p.m.
- 2) ROLL CALL/SEATING OF ALTERNATES: No alternates were seated.
- 3) ADDITIONS/CHANGES TO THE AGENDA: None.
- 4) PUBLIC PARTICIPATION: None.
- 5) OPEN PUBLIC HEARING
 - a. ZBA-21–12-02 Application of Nick Clark and Braeden Duncan (Applicants/Property Owners), 33 Lake Road, aka Assessor’s Map 32/Block48/Lot1-9. Applicants are seeking relief from Section 11.2 of the Andover Zoning Regulations; more specifically the applicants are requesting a reduction in the side-yard setback from 25’ to 3’ so as to allow for the construction of an accessory structure as shown on a plan accompanying the application dated and received and on file in the Town of Andover’s Building & Land Use Office on September 29, 2021.

Nick Clark, the applicant, was present.

J.Hallisey clarified that although the notice reads “construction of an accessory structure”, the reality is the *placement* of the accessory structure, the shed. “Build” used here is an old expression.

N.Clark stated he and B.Duncan purchased a shed, and planned for a spot on the property for the shed that was further than 25 ft from the neighbors’ properties. The applicants are limited as to where they can place a shed, due to their septic tank, leach field, and proximity to wetlands. The applicants therefore request that they are granted leeway regarding the property border so that there will be sufficient distance between the proposed shed site and the property line.

J.Kerrigan, the neighbor at 171 Hebron Road, stated he owns the property that abuts the proposed shed. He does not have personal objections to the shed placement, he only has concern regarding property line and ownership regarding where the shed is placed.

W.Desrosiers asked if there is a need to survey the property to define the ownership. J.Hallisey stated a survey isn't typically conducted for an accessory building, unless there's particular concern. J.Kerrigan stated he does not have particular concern.

W.Munroe asked about the liability if a tree fell onto the shed, especially regarding the shed's proximity to the property line. J.Hallisey stated the town's Land Use council provided advice in a prior case (57 Hendee Road) that the question of liability is not the concern of the Board.

K.Skorka MOVED to close the open hearing and discuss new business. W.Weir SECONDED.

6) NEW BUSINESS

- a. ZBA-21-12-02 Application of Nick Clark and Braeden Duncan (Applicants/Property Owners), 33 Lake Road, aka Assessor's Map 32/Block48/Lot1-9. Applicants are seeking relief from Section 11.2 of the Andover Zoning Regulations; more specifically the applicants are requesting a reduction in the side-yard setback from 25' to 3' so as to allow for the construction of an accessory structure as shown on a plan accompanying the application dated and received and on file in the Town of Andover's Building & Land Use Office on September 29, 2021.

K.Skorka MOVED to approve the application ZBA-21-12-02. W.Weir SECONDED. By roll call vote, MOTION CARRIED 4:0:0.

7) COMMISSION OPEN DISCUSSION: None.

8) ADMINISTRATIVE REPORT FROM ZONING AGENT

There was discussion about notifying the new board members about the meeting.

9) ADJOURN

W.Weir MOVED to adjourn the meeting at 7:32 p.m. W.Munroe SECONDED. MOTION CARRIED unanimously.

Respectfully submitted by Abbie Winter,

Abbie Winter

Please see the minutes of subsequent meetings for the approval of these minutes and any corrections hereto.