

## **ZBA from page 15**

would be virtually zero maintenance.

The distance between the overhang and the fence would be 0' if you assume the fenceline is the property line.

Was a building permit received prior to this construction? Yes.

Could the front be extended and re-

locate the driveway towards the garage?

*Looking at the floor plan, the only reasonable place to extend is to the rear of*

*the building.*

Mr. Guillemette states he had the boundary line surveyed and presented it to the Board and public. The survey indicates the addition done in 2003 was more than the agreement of the variance by 2', therefore the building is too close to the property line.

Gross asked if the roof would extend more than the building, and Ward stated there are no overhangs on the eaves.

Fopiano asked if there was any possible negotiation on the 43", and Guillemette states the first floor wall as built is too close.

McCrave states he feels the applicant exceeded the original approval. Schnare states she feels there are other alternatives. Newcomb states the survey shows the building is significantly close compared to some pending cases, and the Board may run into precedent issues in the future.

Ward states that the building inspector indicated to him that the inspector has discretion for overhangs by 1' to 2'.

Gross stated the building inspector has recommendation and would like to see no more than a 2' overhang.

Ward stated that any property owner feels a building is too close to a property line for their comfort and feels these conditions are unique and that there is no real injury in less than 15' setback. McCrave responded that that is not what the abutters feel. The ordinance states a 15' setback; there is no good and sufficient reason to dispose with the ordinance; the hardship is with the land, not with the building; there are other alternatives; and he does not see going any closer than the original building.

Fopiano states that an abutter that has the property surveyed has a real concern about where the property line is.

There being no further discussion, the public hearing was closed. The board voted unanimously denying the application.

**Public Hearing:** A request from Jay and Jane Hubbard for a variance to permit encroachment within the side setback requirement. The property is located at 162 Maple Street in East Andover.

Pictures of the retaining wall and the land between the home and property line were presented to the Board. The existing retaining wall would limit access, and the proposed garage would be 10' to 11' from the property line. Due to the location of the well, septic, and shed dormer, the proposed location of the garage is the most feasible.

The applicants will get a letter from abutters (the Greenes) indicating their support of the variance.

There being no further discussion, the public hearing was closed and the Board voted unanimously in approval of the application.

**Public Hearing:** A request from Thomas W. Hildreth, representing Celco Partnership, d.b.a. Verizon Wireless, for the purpose of construction of a personal wireless services facility (PWSF) to include a 120-foot tower, various antennas, a 12-foot by 30-foot prefabricated equipment shelter with cable tray and a transformer; all enclosed within a fenced-in compound measuring 75 feet by 75 feet. The property is located at 103 Emery Road on property owned by the Jane H. Fenton Revocable Trust and the Paul J. Fenton Revocable Trust. Paul Fopiano was appointed as a voting member of the Board for this hearing.

The application has been withdrawn without prejudice.

erty is located at 118 Main Street.

A letter was received from Mr. Ward requesting continuance of this hearing to December 18.

**Public Hearing:** An application submitted by Thomas W. Hildreth, representing Verizon Wireless, for the purpose of constructing a personal wireless service facility (PWSF) to include a 120-foot tower, various antennas, a 12-foot by 30-foot prefabricated equipment shelter with cable tray and a transformer; all enclosed within a fenced-in compound measuring 75 feet by 75 feet. The property is located at 135 Beech Hill Road, on property owned by the Jane H. Fenton Revocable Trust and the Paul J. Fenton Revocable Trust. Paul Fopiano was appointed as a voting member of the Board for this hearing.

Linda Connell, representing Celco Partnership d/b/a Verizon Wireless, described the proposal as being a 120-foot monopole with an antenna array at the top, all within a 75-foot by 75-foot enclosed compound. The location is 475' back from the road with driveway access to the site. A 150' vegetated buffer has been granted by the landowners; setbacks for lot and fall-zone will be met.

Research indicates there are no existing structures in the area to serve this objective. The tower will not adversely affect the area. The Agricultural/Residential district allows for a number of uses by special exception. No new landscape planning is necessary. There are adequate facilities, as there is no need for sewer or water. The site will not be manned, so there will be only occasional parking; however, a turn-around area will be needed.

The proposal is not contrary to public interest as wireless technology is encouraged by Congress, which can be regulated through zoning, but towns cannot prohibit it. (There is a state statute indicating this as well). The special conditions are that the property would hide the trees from view.

The proposal will not diminish values of surrounding properties. Studies have been done which do not show an impact on property values. Visuals will be done through photos at several locations identified by the Planning Board

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