



TOWN OF MIDDLETON
ZONING BOARD OF APPEALS

MEETING MINUTES

December 17, 2015

Fuller Meadow School

7:00 pm

Members in Attendance: Craig Harwell, Chairperson, Barbara Piselli, James E. Fox, Anne Cote, Richard Nazzaro, Ann LeBlanc-Snyder

Absent: Nicholas Phillip Yebba

Others Present: Katrina O'Leary, Town Planner
Leanna Harris, Recording Secretary

Craig Hartwell called the meeting to order at **7:00 pm**.

I. REORGANIZATION OF THE BOARD

Ms. Piselli moved to continue the reorganization to the June meeting. Second by Mr. Hartwell.

Votes: 4-0 (, Fox, Cote, Hartwell, Piselli)

Motion carries.

II. MINUTES

MOTION: Mr. Hartwell moved to approve the Minutes from the October 5, 2015, meeting. Second by Mr. Nazzaro

Votes: 5-0 (Snyder, Nazzaro, Fox, Cote, Hartwell)

Ms. Piselli abstains from voting.

Motion carries.

III. PUBLIC HEARINGS

Appeal of Building Commissioner's Decision: 1 School Street – Susan Gannon

Ms. Cote read the application into record. Abutters have been notified. There was no correspondence.

Mr. Hartwell suggested opening the hearing but then continuing the hearing until a later meeting to give the Board members additional time to go through the documents submitted.

Carmen Frattaroli, Esq., attorney for Susan Gannon, addressed the Board and explained why the board should consider overturning the Building Commissioner's decision to view the property located at 1 School Street as a single family home..

Atty. Frattaroli approached the Board and distributed copies of letters from supporting neighbors who have lived there for 20+ years and have no issues with leaving it as a two-family.

Susan Gannon, living at 51 Hepatica Drive, North Andover, MA, and Thomas Moore, formerly married to Susan Gannon, spoke in favor of the application.

John Caulfield, 13 School St. Mr. Caulfield stated he has been at that address for over 20 years and they are good neighbors.

Board Discussion

Mr. Hartwell designated Ms. Snyder as a voting member on this petition.

Board members asked about permits issued in the past for the detached garage and how the property is zoned. Members questioned whether the case law Atty. Frattaroli provided them with is pertinent to this case and asked him to provide the board with case law appropriate to this case. Members stated that tax records were not persuasive and has stated as such in past cases.

MOTION: Mr. Hartwell move to continue the hearing, with the approved extension of time to the February 25, 2016 meeting. Second by Ms. Piselli.

Votes: 5-0 (Nazzaro, Fox, Cote, Hartwell, Piselli)

Motion carries.

Mr. Hartwell moved to adjourn the meeting at **8:08 pm**. Second by Ms. Cote. All in favor.

Documents and Exhibits used at meeting:

- 12/17/2015 Staff Report
- 10/5/2015 ZBA minutes
- 1 School St. application and attachments
- Letters from neighbors of 1 School Street

Minutes submitted by Leanna Harris, Recording Secretary, and accepted at the March 24, 2016 meeting of the board.