

TRANSCRIPT OF PUBLIC RECORD
ZONING BOARD OF APPEALS MEETING
April 22, 2026

This Regular Meeting of the Zoning Board of Appeals, was held in The Great Hall, 41 Pleasant Street, Methuen MA. The meeting was called to order at: 7:06 PM.

Chairman Matthew D'Agostino asked for a moment of silence in memory for all those who have died for our country, and led the pledge of allegiance.

MEMBERS IN ATTENDANCE:

Mr. Matthew D'Agostino, Chairman
Mr. Nicholas Boucher, Vice Chairman
Mr. Vincenzo Pesce, Member
Mr. Philip Cultrera, Member
Mr. Jose Frias, Clerk
Mr. Mansour Chaya, Alternate Member
Mr. William Hanefant, Alternate Member

Also, In Attendance:

Gene Walsh, Building Inspector
Lori Moriarty HHSI Clerk III
Petitioners and Representatives

MEMBERS ABSENT:

Mr. Matteo Zingales, Alternate Member

ROLL OF APPLICANTS:

Dana Kilroy- present
Brian Zepkoski for Donna Zappala- present
Nicholas Marion for Soubsub Wanlop- present

ACCEPTANCE OF MINUTES:

1. March 25,2026

Phil Cultrera made a motion to accept the minutes of March 25,2026. Jose Frias seconded.

DISCUSSION: NONE

VOTE: UNANIMOUS

OLD BUSINESS:

Request for Specific and Material change in previous unfavorable Action:

Dana Kilroy (VP) Center Street

Previous petitions with unfavorable actions within past 2 years: 2025-05 Variance with decision date of 5/5/2025; and 2026-01 Special Permit with decision date of 2/10/2026 (**PARCEL ID: 716-113-4**).

Attorney Arthur Broadhurst with offices at 45 Osgood Street, Methuen MA, came forward representing Dana Kilroy. They are seeking a vote for a significant change on a previous petition which was denied about a year ago, so they do not have to wait the full two years to come back before the Board. He stated that they believe the new plan of a 2-story building with one residential unit on the 2nd floor with 3 bedrooms, and a small office space on the first floor is a significant change from the 3-family unit they had previously proposed. Mr. Broadhurst stated that this was the first step, which would allow them to have a public hearing with Community Development. If the Board denies the request, they would need to wait a full 2 years from the denial in order to come before the Zoning Board again.

Chairman D'Agostino opened public participation. No one came forward in favor or opposition to this request. The Chairman closed public participation.

The Chairman opened up questions from the Board. Nick Boucher asked Attorney Broadhurst if the site had been cleared up. Attorney Broadhurst stated that his client was recently in court, and advised that he can't begin to move items off the property until May 1st, when his new lease starts. Mr. Boucher asked about their petition to Community Development. Attorney Broadhurst stated that has been postponed pending the outcome of tonight's vote.

Vincenzo Pesce advised the Chairman that he would not be voting on this request, as he was not at the last meeting on March 25, 2026 when Attorney Broadhurst initially made his presentation.

The Chairman called for a roll call vote of the Specific and Material Change in an Unfavorable Action. A unanimous vote is required by the Board for approval.

Mr. Frias stated he believed the new plan was a substantial change. Mr. Cultrera and Mr. Chaya also believed that the petition was a significant change. Chairman Matt D'Agostino stated that he doesn't see a building going on this site.

ROLL CALL:

Mr. Mansour Chaya:	yes
Mr. Jose Frias:	yes
Mr. Phil Cultrera:	yes
Mr. Nicholas Boucher:	No
Chairman Matthew D'Agostino:	No

The request for a specific and material changes has been denied.

NEW BUSINESS:

Application for Variance:

2026-07 Brian Zepkoski for Donna Zappala

A Variance is required under Section VI-D, in a RR (Rural Residential) Zone, of the City of Methuen Comprehensive Zoning Ordinance to construct a Single Story Addition (23' x 16') & an Open Deck (7' x 20'), on the Right Side & Rear of existing Dwelling, that will be too close to the Right Side Setback (required is 30 ft., request is 3.1 ft.) & Rear Setback (required is 30 ft., request is 27.7 ft.) at **2 HAYES ST, METHUEN MA 01844 (PARCEL ID: 709-68B-108).**

Brian Zepkoski came forward on behalf of his client requesting a variance for a proposed addition. Their proposed project requires a variance for a 3-foot set back on the right side. Mr. Zepkoski stated that he doesn't believe the vacant lot abutting the right side is buildable, and they have tried to reach out to owners of the lot with no luck. The petitioner has a special needs brother who they are trying to accommodate with this proposed addition.

Chairman Matt D'Agostino asked building inspector, Gene Walsh if the lot next door was in fact non-buildable. Mr. Walsh confirmed it was not a buildable lot.

Board members inquired about a mobile home and pod that appears to be on the vacant property, and asked if it was the petitioners or the person who owns the vacant parcel. Mr. Zepkoski stated that he wasn't familiar, but believed anything located in that area would be the petitioners. He further stated that the lot has been empty and no one has been maintaining or using it for the past 20+ years. The petitioner had believed the vacant parcel next door belonged to them.

Nick Boucher asked Gene Walsh if the deck set back would also not be compliant, and Gene confirmed that was correct for the deck and addition.

Mr. Zepkoski informed the Board that the Addition is a 3-season porch style and the deck will be an open deck. They will be coming out another 4 feet from existing deck. There is currently a 3x3 landing on the side entrance that they want to extend over to the addition in order to access it. The porch will have electricity and be drywalled, but not be heated. The shed on the site plan previously in that location has been removed.

Bill Haneffant mentioned that he saw a storage pod and a trailer on the property, and inquired if this was on the vacant parcel or the petitioner's lot, as he was trying to get an understanding of the lot area when he made the site visit. Mr. Zepkoski stated that he was not sure about the location of the pod, since it was not there when he was last at the site, and he does believe it is the petitioners. He stated that the lot line is about 10 feet off of her house on the right side.

Jose Frias said that he has pictures from today and saw the trailer/pod. Mr. Zepkoski states the petitioner thought they were the owners of the vacant lot and found out through this process that they are not the owners.

Mr. Haneffant asked about an LP Gas tank in the back. He wanted to know if it will be removed. Mr. Zepkoski stated he does not believe it is in the way, but if it is, they will move it. He also said with the conservation easement on the left side and rear of the property, they needed to stay away from that area with this project, so they were limited. Mr. Haneffant wanted to know how the gas line would effect the location next to conservation land. Gene Walsh said that the propane tank would have to be located at a minimum of 10 feet from the building. Gene Walsh confirmed that the conservation office will approve where any items can or can't go on the property that is next to the conservation easement. A plumbing permit would be required to move a gas tank.

Chairman Matt D'Agostino opened public participation.

Justin Mello came forward in support of the plan. The Chairman asked if Mr. Mello was an abutter or resident of Methuen. Mr. Mello stated that Donna's real estate agent asked for his help with conservation. He is not a Methuen resident, but a friend of her agent. Chairman D'Agostino stated he will take Mr. Mello's comments under advisement, but normally the Board hears from residents of Methuen or abutters.

No one came forward in opposition to the petition. The Chairman closed public participation.

Chairman D'Agostino read a letter into the record from Chris Parsons, City of Methuen Conservation officer.

"Both Derry and Hayes would need erosion control installed and inspected before any work may begin. Thanks"

Christopher Parsons, Methuen Conservation Officer

Department of Economic and Community Development/Conservation Commission

Chairman D'Agostino asked Mr. Zepkoski if the plan was to purchase the vacant lot next door. Mr. Zepkoski stated that was the plan, but they have no phone contact information for the listed owner, only an address in New York and they don't think the owner is at that address any longer. They have been unsuccessful reaching by mail. Mr. Walsh confirmed that only the water dept may have a phone number, but since there is no water on site, contact information would not be on file with that department.

The Chairman opened up questions from the Board. Jose Frias asked if the addition is a 3-season enclosed porch or if there are any bedrooms. Mr. Zepkoski stated that there is only an open deck in the rear of the property currently. They will be replacing with an enclosed 3 season porch and building a deck off that porch that wraps around to the side entrance. The existing deck on the right side is only a 3x3 landing to get out the side door.

Mr. Zepkoski stated that they tried to stay away from the conservation easement, so they were limited. They believed that they owned the property initially on the vacant lot, and once they found out changed the plan to have some sort of a setback. They are also willing to put up a fence on the property if needed.

Mansour Chaya said the application stated it is a single-story addition and open deck. He asked for clarification on what the addition is. Mr. Zepkoski stated that the addition is 16x23 enclosed 3 season style porch. The deck will be attached to the proposed addition (enclosed porch), and he reference the plot plan in the Board's packet.

The Chairman called for a roll call vote of the requested Variance:

ROLL CALL:

Mr. Jose Frias:	yes
Mr. Phil Cultrera:	yes
Mr. Nick Boucher:	yes
Mr. William Haneffant:	yes
Chairman Matthew D'Agostino:	yes

The Chairman stated that normally the request is in excess of what we would approve for a setback variance, but since it is not a buildable lot and the owner is not available or in opposition, he approves of the plan.

Application for Variance:

2026-08 Nicholas Marion for Soubsub Wanlop

A Variance is required under Section VI-D, in a RD (Residential D) Zone, of the City of Methuen Comprehensive Zoning Ordinance to construct an addition that will be too close to the front setback (required is 20.0 ft., request is 19.4 ft). Also, to clarify front setback on the existing dwelling, in an RD Zone at **14 DERRY ROAD, METHUEN MA 01844 (PARCEL ID: 1111-108-259C)**.

Nicholas Marion came forward representing Soubsub Wanlop. He stated that in September his younger brother, who was a licensed contractor, signed a contract with the homeowner. His younger brother passed in December from lung cancer and prior to his passing he asked Mr. Marion, who is also a licensed contractor, to complete work.

Chairman D'Agostino asked how much of the work was done when he took over the job. Mr. Marion said that none of the work was started, but that all the paperwork and permits were completed.

There were permits pulled for the job and a foundation inspection that passed inspection. When they attempted to move forward with inspections for the completion of the job, they found out an as built of the foundation was required to close the foundation permit portion, in order for the full building permit to be issued. A surveyor come out and created the foundation as built, and they realized they were not in compliance of setbacks (by 8 inches). They are before the Board because the foundation on one corner does not meet the setback, so they are unable to close out the permit. They meet the setback, 20.6 feet to the far-right side, but are shy with 19.4 feet on the left side, requiring a variance. (required set back is 20 feet). The addition is at an angle on the property.

Chairman D'Agostino opened public participation. No one came forward in favor or opposition to this request. The Chairman closed public participation.

The Chairman opened up questions from the Board. Jose Frias inquired why a variance was not required prior to the foundation permit if they were not going to meet the setbacks. Mr. Marion stated that they had a miscalculation with the property lines due to the road width owned by the City. They didn't account for the 5-6 feet that the town owns and thought they had 26 feet, which was reflected on their site plan for the foundation permit. The foundation permit was issued based on the 26 ft setback provided in the initial plan.

Gene Walsh confirmed that the 25-26 feet they believed they had, was to the edge of the pavement, but the town owns 5 feet beyond the pavement, as a utility easement. He further stated that people sometimes think they own up to the street, but they don't. The miscalculation required a variance to the Zoning Board of Appeals allowing them to leave the foundation as is.

The Chairman called for a roll call vote of the requested Variance.

ROLL CALL:

Mr. Vincenzo Pesce:	yes
Mr. Jose Frias:	yes
Mr. Phil Cultrera:	yes
Mr. Nick Boucher:	yes
Chairman Matthew D'Agostino:	yes

Chairman D'Agostino made an announcement to the Board that the May meeting is not the 4th Wednesday as per usual due to budget hearings by City Council. The May meeting will be on May 20th.

ADJOURNMENT:

There being no further business before the Board, Vincenzo Pesce made a motion to adjourn, and Mansour Chaya seconded.

Discussion: None

Vote: Unanimous

Chairman Matthew D'Agostino adjourned the meeting 7:34 PM.

Respectfully Submitted,
Lori Moriarty
City Clerk III HHSI