

TOWN OF BILLERICA

Zoning Board of Appeal
365 Boston Road
Billerica, Massachusetts 01862
Telephone: 978-671-0964

Minutes pertaining to the Board of Appeal Meeting held on Wednesday, March 30, 2022 in Room 210, Town Hall, 365 Boston Road, Billerica, MA.

Members Present: Anupam S. Wali, Chairman, Robert B. Accomando, Vice-Chairman, Michael Parker, Secretary, Richard A. Colantuoni, Sal Dampolo, Ralph J. McKenna, Alternate, and Michael Pendleton, Alternate.

Chairman Anupam Wali opened the Board of Appeal meeting at 6:02 PM. and read the notice of each petition prior to its hearing and swore in those wishing to speak on each petition.

Hearing #1: MARINA MINASIAN

Locus: **14 LARCHWOOD STREET**
Assessor's Map: 76 Parcel 70

Members sitting on this hearing: Anupam S. Wali, Robert Accomando, Richard Colantuoni, Salvatore Dampolo and Michael Parker.

Marina Minasian appeared before the Board of Appeals requesting a variance pursuant to Section 7.L of the Zoning By-Law to construct a deck on the side of her house, replacing the current dilapidated deck due to aging. The Board agreed to reduce the side setback from 15' to 7.5' from the deck to the property line.

Robert Accomando made a motion to close the public hearing, seconded by Michael Parker. All in favor. Motion granted.

Richard Colantuoni made a motion to grant the petitioner a variance pursuant to the legal ad, plan submitted and testimony given, seconded by Michael Parker. The vote was 5-0. All in favor. Petition granted.

Hearing #2: MAUREEN XAVIER

Locus: **4 ROBERTS ROAD**
Assessor's Map: Plate 42 Parcel(s) 164

Members sitting on this hearing: Anupam S. Wali, Robert Accomando, Michael Parker, Salvatore Dampolo and Michael Pendleton. Member Richard Colantuoni recused himself from this hearing as he is an abutter to the applicant.

Maureen Xavier appeared before the Board of Appeals requesting a special permit pursuant to Section 5.C.2 of the Zoning By-Law to construct an in-law apartment for her parents who have lived in the neighborhood for over 50 years. She purchased the home in 2021 with the intent to construct an in-law apartment so her parents could still reside on the premises.

Salvatore Dampolo made a motion to close the public hearing, seconded by Robert Accomando. All in favor. Motion granted.

Robert Accomando made a motion to grant the petitioner a special permit pursuant to the legal ad, plan submitted and testimony given, seconded by Salvatore Dampolo. The vote was 5-0. All in favor. Petition granted.

Hearing #3: MICHAEL AND SUSAN O'DONNELL

Locus: **37 ROGERS STREET**
Assessor's Map: Plate 16 Parcel(s) 2-0

Members sitting on this hearing: Anupam S. Wali, Robert Accomando, Richard Colantuoni, Michael Parker, and Salvatore Dampolo.

Michael and Susan O'Donnell appeared before the Board of Appeals requesting a special permit pursuant to Section 5.C.2 of the Zoning By-Law to construct an in-law apartment for themselves. Their daughter, Melinda O'Donnell represented her parents at the hearing. She stated that her parents would like to convert their living space above the garage into an in-law apartment for themselves. Their daughter who currently resides in England will be returning home with her

family and will be living in the main dwelling. The garage is attached to the main dwelling via a breezeway.

Richard Colantuoni made a motion to close the public hearing, seconded by Michael Parker. All in favor. Motion granted.

Salvatore Dampolo made a motion to grant the petitioner a special permit pursuant to the legal ad, plan submitted and testimony given, seconded by Robert Accomando. The vote was 5-0. All in favor. Petition granted.

Hearing #4: ROBERT RUMLEY, III

Locus: **8 BIRCH STREET**
 Assessor's Map: 94 Parcel 14

Members sitting on this hearing: Anupam S. Wali, Robert Accomando, Salvatore Dampolo, Michael Parker and Michael Pendleton. Member Richard Colantuoni recused himself from the hearing.

Attorney Dangora, Sr. appeared before the Board of Appeals requesting a variance pursuant to Section 7.L of the Zoning By-Law to divide the premises into two lots in a Rural residence zone. Attorney Dangora explained that the applicant is seeking to divide the property to construct a home for his mother in order to take care of her needs as she is a new widow. There was discussion regarding whether the property could support another septic system as town sewer is not available in this area. The discussion was referred to the Board of Health for a determination, as well as contacting the Conservation Department for guidance regarding the wetland resource areas.

Robert Accomando made a motion to close the hearing, seconded by Salvatore Dampolo. All in favor. Motion granted.

Robert Accomando made a motion to grant the petitioner a variance pursuant to the legal ad, plan submitted and testimony given, seconded by Salvatore Dampolo. The Board of Appeals voted 3-2 to Deny the Variance requested. Members R. Accomando, S. Dampolo, and A. Wali voted in favor. Members M. Pendleton and M. Parker voted against. Petition denied.

Hearing #5: SAWYER CONTRACTING, LLC

Locus: 20 FOLGER STREET
Assessor's Map: 100 Parcel(s) 96-0, 98-0, 99-0, 100-0

Members sitting on this hearing: Anupam S. Wali, Robert Accomando, Richard Colantuoni, Salvatore Dampolo and Michael Parker.

Attorney Dangora, Jr. appeared before the Board of Appeals requesting a variance pursuant to Section 7.L of the Zoning By-Law to divide the premises into two lots in a Village Residence Zone. Attorney Dangora explained that the property is 50,000 sq. ft. and the proposed divided lots (2), if approved, would both be 25,000 sq. ft. lots both with a 125' of frontage. Stoney Brook Road is a vegetated paper street and the trees would be kept for privacy purposes. Bedford St. is also a paper road behind the lot and would also be kept in its natural vegetated state. The paper roads are not constructed and the property owner owns to the center of the road adding an additional 5,000 sq. ft. to the lot bringing it up to 30,000 sq. ft. and the same holds true for the Bedford St. side. The current home is in disrepair and has not been maintained and the applicant plans to demolish the house and clean up the property and remove the dangerous trees. The neighboring lots are smaller than the proposed lot split which is larger than the neighborhood. The applicant is proposing to construct two (2) 28x 38 split entries and meeting the required setbacks. Side yard setbacks will also be met. The applicant believes that the development and clean-up of the lots would improve the value of the area and the new development would conform to the neighborhood.

Richard Colantuoni made a motion to close the public hearing, seconded by Salvatore Dampolo. All in favor. Motion granted.

Michael Parker made a motion to grant the petitioner a variance pursuant to the legal ad, plan submitted and testimony given, seconded by Robert Accomando. The vote was 5-0. All in favor. Petition granted.

Hearing #6: JASON PARREIRA

Locus: **25 Fredrickson St.**
Assessor's Map: Plate 89 Parcel(s) 250-0

Members sitting on this hearing: Anupam S. Wali, Robert Accomando, Richard Colantuoni, Michael Parker, and Salvatore Dampolo.

Jason Parreira appeared before the Board of Appeals requesting a special permit pursuant to Section 5.C.3 of the Zoning By-Law to construct an in-law apartment in the lower level of his home for his in-laws. The square footage of the proposed in-law measures 530', well below the limit of 800'.

Michael Parker made a motion to close the public hearing, seconded by Richard Colantuoni. All in favor. Motion granted.

Salvatore Dampolo made a motion to grant the petitioner a special permit pursuant to the legal ad, plan submitted and testimony given, seconded by Michael Parker. The vote was 5-0. All in favor. Petition granted.

Hearing #7: WILLIAM COOKE

Locus: **KEYSTONE LANE**
Assessor's Map: 106 Parcel 142-1-2 and 147-1-2

Members sitting on this hearing: Anupam S. Wali, Robert Accomando, Richard Colantuoni, Salvatore Dampolo and Michael Parker.

Attorney McKenna appeared before the Board of Appeals requesting a variance pursuant to Section 7 and 7.K to construct a single-family home on this lot. Attorney McKenna stated he would work with the abutters on either side of the lot to accommodate their needs. The Town took the northern part of this parcel which was originally four parcels and this particular lot has been vacant for some time. It is not a grandfathered lot and this lot was not taken by the Town.

The applicant seeks to combine these two parcels into one parcel to construct a single-family home. Attorney McKenna stated that the Board of Health has conducted deephole testing to determine ground water levels and the wetlands across the street were assessed. The setback reduction is to keep the building in line with the neighborhood as the lot is longer rather than wider.

Michael Parker made a motion to close the public hearing, seconded by Salvatore Dampolo. All in favor. Motion granted.

Salvatore Dampolo made a motion to grant the petitioner a variance pursuant to the legal ad, plan submitted and testimony given, seconded by Robert Accomando . The vote was 5-0. All in favor. Petition granted.

Hearing #8: JOHN GIOIOSA

Locus: **15 BAYBERRY LANE**
 Assessor's Map: 33 Parcel 37-0

Members sitting on this hearing: : Anupam S. Wali, Robert Accomando, Richard Colantuoni, Salvatore Dampolo and Michael Parker.

Attorney McKenna appeared before the Board of Appeals requesting a variance pursuant to Section 7 and 7.K of the Zoning By-Law to divide the premises into two lots. The lot is very irregular shaped and is at the end of a dead end street. Storage of materials and equipment will be kept on the property. The applicant stated that there will be one (1) bobcat stored on the property. The new lot, if approved, would be a 10,000 sq. ft. lot. Construction vehicles and equipment access will be solely on Bayberry Street. Smaller side setback was a concern with the smaller lot. The road being repaved with adequate access is a concern. Attorney McKenna stated that this will be addressed with the DPW. Chairman Wali also expressed concerns regarding the smaller lot size.

Salvatore Dampolo made a motion to close the public hearing, seconded by Michael Parker. All in favor. Motion granted.

Robert Accomando made a motion to grant the petitioner a variance pursuant to the legal ad, plan submitted and testimony given, seconded by Richard Colantuoni . The vote was 5-0. All in favor. Petition granted.

Hearing #9: Mr. & Mrs. Volpe

Locus: 19 Heidi Lane

Assessor's Map: 52 Parcel 100-0

Members sitting on this hearing: Anupam S. Wali, Robert Accomando, Richard Colantuoni, Salvatore Dampolo and Michael Parker.

Mr. & Mrs. Volpe appeared before the Board of Appeals requesting a six (6) month extension on the granted variance, Case #21-29, dated May 12, 2021.

Richard Colantuoni made a motion to close the public hearing, seconded by Salvatore Dampolo. All in favor. Motion granted.

Richard Colantuoni made a motion to grant the petitioner a six (6) month extension, seconded by Salvatore Dampolo. The vote was 5-0. All in favor. Extension granted.

Other Business:

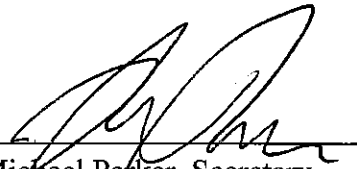
1. Approve the Minutes of the February 9, 2022 Board of Appeals meeting.

Robert Accomando made a motion to accept the February 9, 2022 minutes, seconded by Michael Parker. All in favor. Motion carried.

2. Approve the Minutes of the February 16, 2022 Board of Appeals meeting.

Robert Accomando made a motion to accept the February 9, 2022 minutes, seconded by Michael Parker. All in favor. Motion carried.

Robert Accomando made a motion to adjourn the meeting, seconded by Richard Colantuoni. All in favor. Motion carried.


Michael Parker, Secretary