

BILLERICA BOARD of APPEALS
Minutes for the
May 18, 2022 Meeting
6:00 PM
Town Hall, Auditorium
365 Boston Road, Billerica, MA

ATTENDANCE: Members Anupam Wali (Chairman), Robert Accomando (Vice-Chairman), Richard Colantuoni, Salvatore Dampolo, Michael Pendleton. Alternate Member Ralph McKenna attended via speaker phone. Recording secretary Liz Ells, ZBA.

- I. 6:07 PM – PUBLIC COMMENT** – No public comments.
- II. 6:09 PM - Robert Boulanger by David Kinsella** – Special Permit Request to construct an In-Law apartment in a Rural Residence Zone located at **42 Chatham Road (Case #22-20)**
(Continued to June 15, 2022, per the applicant’s request)

MOTION: TO continue the public hearing to June 15, 2022, per the applicant’s request. Moved by Vice-Chairman Accomando, seconded by Member Pendleton. All in favor. Motion carried.

- III. 6:13 PM - Marc & Debra Bradanese** – Special Permit Request to construct an In-Law apartment in a Rural Resident Zone located at **16 Governor Doherty Road (Case #22-21)**

Debra Bradanese presented their project to the Board that they are requesting a Special Permit to construct an In-Law apartment for her parents, one of which is handicapped. The square footage of the In-law space is 615’. There was discussion regarding the two (2) means of egress from the in-law unit and where they are located and were given suggestions for the relocation of one of them. The Board conditioned that the 2nd means of the relocated egress must be shown on the plan of record. The applicant expressed they would change the egress to reflect the relocation in order to comply with the requirement.

There were no abutters present at this hearing.

The Certified Plot Plan of Land prepared by George C. Collins, PLS, dated March 12, 2022, and the proposed In-Law addition floor plan prepared by JFA Design Group. dated April 11, 2022 shall be filed as part of this decision.

MOTION: TO close the public hearing. Moved by Vice-Chairman Accomando, seconded by Member Dampolo. All in Favor. Motion carried.

MOTION: TO grant the Special Permit requested. Moved by Member Dampolo, seconded by Vice-Chairman Accomando. The Board voted 5-0 to grant the Special Permit. All in Favor. **Petition Granted.**

IV. 6:24 PM - Saulo Borges – Special Permit Request to construct an In-Law apartment in a Village Residence Zone located at 4 Captain Gookin Avenue (Case #22-22)

Saulo Borges presented his project to the Board and explained that his in-laws would be utilizing the proposed In-Law apartment. The proposed design plan is to remove the home's side deck and build a 3 story addition with a 2 car garage on the lower level, the in-law on the middle level and a master bedroom above the in-law. He stated that the in-law square footage is 761' with 2 means of egress and the new proposed addition does not exceed the maximum height allowed.

There were no abutters present at this hearing.

The Certified Plot Plan of Land prepared by Alexander Crucoli, dated March 24, 2022 and the proposed In-Law addition floor plan prepared by Excel Design & Strategies, (undated) shall be filed as part of this decision.

MOTION: TO close the public hearing. Moved by Vice-Chairman Accomando, seconded by Member Dampolo. All in Favor. Motion carried.

MOTION: TO grant the Special Permit requested. Moved by Member Pendleton, seconded by Member Dampolo. The Board voted 5-0 to grant the Special Permit. All in Favor. **Petition Granted.**

V. 6:34 P M - Peter Palomaki – Variance Request to reduce side setback to construct a two (2) car garage in a Rural Residence Zone located at 17 Castlewood Drive (Case #22-23)

Peter Palomaki presented his project to the Board to construct an attached 2 car garage and is requesting relief from the side setback of 15' to 6.8'. The submitted proposed garage dimensions are 30x24 with a family room above it with a side setback of 6.8' and the frontage being 30.2'. He presented a 2nd set of proposed plans at the meeting with the garage dimensions being 33x24 with a decrease in the front to 27.2' with the same side setback of 6.8'. He stated that his decision on which one to use will be based on cost as both plans reflect the same side setback. It was explained to him that whichever plan he chooses, it will be the Plan of Record to be filed with the building application and the Zoning Board of Appeals and will be part of the Board's decision.

The Board conditioned that the 33x24 garage will be no closer than 6.3' to the side property line verses the 6.8' proposed.

The submitted Certified Proposed Plot Plan of Land prepared by LeBlanc Survey Associates, Inc., dated April 13, 2022, shall be filed as part of this decision. There are 2 versions of this plan: one with a 30x24 garage and the other is a 33x24 garage.

There were no abutters present at this hearing.

MOTION: TO close the public hearing. Moved by Vice-Chairman Accomando, seconded by Member Pendleton. All in favor. Motion Carried.

MOTION: TO grant the Variance requested. Moved by Member Pendleton, seconded by Member Dampolo. The Board voted 5-0 to grant the Variance. **Petition Granted.**

VI. 6:49 PM - Joseph Kenney by John McKenna, Esq. – Variance Request to divide the premises into two lots in a Rural Residence Zone located at 15 Kingston Street (Case #22-24)

Attorney McKenna submitted a written request to continue this hearing to June 15, 2022.

MOTION: TO continue the public hearing to June 15, 2022, per the applicant's request. Moved by Vice-Chairman Accomando, seconded by Member Pendleton. All in favor. Motion carried.

VII. 6:50 PM - Todd & Marie Baldwin – Variance Request to reduce side and front setbacks to construct a porch in a Village Residence Zone located at 11 Patricia Road (Case #22-25)

Todd Baldwin presented his project to the Board requesting relief from the side and front setbacks in order to construct two (2) proposed porches. He stated that the side porch entry would not have a roof. The house is located next to a paper street and the side setback is 27.5'. The applicant stated that the front of the house is 23.5' from the street and they are requesting to reduce it to 21.5' in order to construct an entry front porch with a roof. It was conditioned that the front setback shall not be more than 20' and confirmed the side setback of 27.5' on the paper street side.

The submitted Certified Plot Plan of Land prepared by David Philip Terenzoni, PLS, dated April 10, 2022, shall be filed as part of this decision.

MOTION: TO close the public hearing. Moved by Vice-Chairman Accomando, seconded by Member Dampolo. All in Favor. Motion carried.

MOTION: TO grant the Variance Requested. Moved by Member Dampolo, seconded by Member Pendleton. The Board voted 5-0 to grant the Variance. **Petition Granted.**

VIII. 7:02 PM – Mary K. Whalen by James Dangora, Jr. – Variance Request divide the premises into two (2) lots in a Village Residence Zone located at 20 Dartmouth Drive (Case #22-26)

Attorney Dangora represented the applicant, Mary Whalen, who is requesting to divide her property into two lots so that her grandson and his wife can build on the new lot. The hardship is the maintenance of the lot. He explained that the lot is unique in the fact that the back of the property is on Magnolia Avenue and would have a different street address as well as separate access. He also stated that the newly created lot conforms with the neighboring lots in terms of size and would enhance the neighborhood. The proposed new lot is 10,980 +/- sq. ft and the existing house lot would be 10,980 +/- sq. ft.

Attorney Dangora stated that the plan is to construct a modest 1600 to 1800 sq. foot home on the property and would be hooked up to town sewer and water. It was stated that the new lot would be for the family only and not sold to a developer. The Board conditioned this project to have a 15' side setback

There was strong abutter support and presence at the hearing, as well as 3 letters of support from abutters who were unable to attend the meeting.

The submitted Certified Plan of Land prepared by Dresser, Williams & Way, dated March 25, 2022 shall be filed as part of this decision.

MOTION: TO close the public hearing. Moved by Vice Chairman Accomando, seconded by Member Dampolo. All in favor. Carried.

MOTION: TO grant the Variance requested. Moved by Member Colantuoni, seconded by Member Pendleton with the condition that both side setbacks are 15'. The Board voted 5-0 to grant the Variance requested. **Petition Granted.**

IX 7:21 PM - Joseph & Diane Ray – Extension Request for a previously granted variance in a Village Residence Zone at **25 Brandon Street (Case #21-26)**

The applicants are requesting a 6 month extension due to Covid related delays and expenses.

MOTION: TO grant a six (6) month extension on the original Variance, Case #21-26, with a new expiration date of December 16, 2022. Moved by Vice Chairman Accomando, seconded by Member Pendleton. The Board voted 5-0 to grant the Variance extension. All in Favor. **Extension granted.**

Administrative Matters:

1. Approve the Minutes of the March 30, 2022 Board of Appeals Meeting.

MOTION: TO approve the minutes of the March 30, 2022 Board of Appeals Meeting. Moved by Member Pendleton, seconded by Vice Chairman Accomando. The Board voted 5-0 to approve the minutes as presented.

2. Approve the Minutes of the April 13, 2022 Board of Appeals Meeting

MOTION: TO approve the minutes of the April 13, 2022 Board of Appeals Meeting with the new format as presented. Moved by Member Pendleton, seconded by Vice Chairman Accomando. The Board voted 5-0 to approve the minutes as presented.

7:30 PM - ADJOURN

MOTION: TO adjourn. Moved by Vice Chairman Accomando, seconded by Member Pendleton. All in Favor. Motion Carried.

Respectfully submitted,

Liz Ells, ZBA
Principle Clerk