

BILLERICA BOARD of APPEALS
Minutes for the
February 15, 2023 Meeting
6:00 PM – Room 210
365 Boston Road, Billerica, MA

ATTENDANCE: Members Robert Accomando (Chairman), Michael Pendleton (Vice-Chairman), Eric Anable (Secretary), Anupam Wali. Alternative Member Salvatore Dampolo arrived at 6:10 p.m.. Alternate Member Ralph McKenna was present via ZOOM. Building Commissioner, Mark LaLumiere and Recording Secretary Liz Ells, ZBA.

- I. 6:00 PM – PUBLIC COMMENT** – Chairman Accomando stated that the requested continued hearings would not be opened and heard at tonight’s meeting, rather they would be opened at the March 15, 2023 meeting.

- II. 6:02 PM** - Joseph Dogherty by Catherine Flood, Esq., - Special Permit request/transfer for non-conforming use with materials/supplies, equipment seeking to be stored outdoors in an Industrial Zone located at 92 Billerica Avenue (Case # 22-84)
(Continued to March 15, 2023)

- III. 6:05 PM** - Matthew Furtado – Special Permit Request to construct an In-Law apartment in a Rural Residence Zone at 26 Governor Peabody Road (Case #23-01)

Matthew Furtado spoke on behalf of his in-laws and presented their appeal to the Board to construct an in-law apartment for his wife’s parents. He provided written authorization from his in-laws to present their project as they are the homeowners. He currently resides in Dracut but they are planning on moving into his wife’s parents home prompting the need for an in-law apartment. The house is a split-level style and as part of the project, they are planning on adding a 2-car garage with living space above it that will tie into the original home and the in-law will be behind the new addition. The square footage for the in-law is 711 sq. ft. and meets the requirement of 800 sq. ft. or less and the property still meets the setbacks. There will be 2 means of egress: one to the main dwelling and one leading outside.

There were no abutters present at the hearing.

The Certified Plot Plan of Land prepared by P.M. Flaherty Associates, Inc., dated January 9, 2022 and the proposed In-Law addition floor plan dated December 12 2022, shall be filed as part of this decision.

MOTION: TO close the public hearing. Moved by Member Wali, seconded by Vice-Chair Pendleton. All in favor. Motion carried.

MOTION: TO grant the Special Permit requested. Moved by Vice Chair Pendleton, seconded by Member Wali. All in favor. Petition **granted**.

- IV. **6:12 PM** - Jingesh & Rita Patel by John McKenna, Esq., - Variance request to divide the premises into two lots in a Rural Residence Zone located at 10 Shawsheen Road (Case #23-03) (Continued to March 15, 2023)

MOTION: TO accept the request to continue to March 15, 2023. All in favor. Motion carried.

- V. **6:15 PM** - Stephen Szybillo by John McKenna, Esq., - Variance request to divide the premises into two lots in a Neighborhood Residence Zone located at 4 McKenna Drive (Case #23-04)

Attorney McKenna presented the project to divide the property which is a 20,000 sq. ft. lot into two (2) lots of 10,000 sq. ft. each. Attorney McKenna provided abutter support letters for his client's appeal to divide his property. The existing house was built in 1910 and has a stone foundation and would be 6.7' from the newly created property line. There was discussion regarding constructing the new house on the newly created lot facing High Street with a driveway on McKenna Drive so as to provide more privacy and easier access. It was further discussed that the existing house could be sold at some point in the future and possibly be redeveloped and moved further away from the side on the property line.

There were no abutters present at the hearing, however, support letters were submitted.

The submitted Certified Plot Plan of Land prepared by Dresser, Williams & Way, Inc., dated September 19, 2022, shall be filed as part of this decision.

MOTION: TO close the public hearing. Moved by Member Wali, seconded by Member Dampolo All in favor. Motion Carried.

MOTION: TO grant the Variance requested. Moved by Member Dampolo, seconded by Member Wali. All in favor. Motion carried. Petition **granted**.

- VI. **6:34 PM** - Left Eden Restaurant Corp. d/b/a/ Maggie's Other Farm by Jill Elmstrom Mann, Esq., - Special Permit request to allow three (3) signs to be installed in an Industrial Zone located at 15 Middlesex Turnpike (Case #23-02) (Continued to March 15, 2023)

- VII. **6:35 PM** - Left Eden Restaurant Corp. d/b/a/ Maggie's Other Farm by Jill Elmstrom Mann, Esq., - Variance request to allow signs above maximum height and freestanding signs to be installed in an Industrial Zone located at 15 Middlesex Turnpike (Case #23-05) (Continued to March 15, 2023)

- VIII. **6:36 PM** - Heather Dudko – Variance Request to allow signs above maximum height to be installed in an Industrial Zone located at 140 Pond Street (Case #22-83)

Hazel Woods Hopkins represented her daughter, Heather Hopkins Dudko, who is seeking a variance on behalf of their client, Sign Effects, to install a wall sign on the building and a monument sign at the entrance to the property. The variance request is for relief of the maximum sign height and the number of monument signs allowed on the property. The building wall sign with the company logo is approximately 540' in length but due to the company logo, it exceeds the maximum height of 36". The monument sign exceeds the number allowed on the property. The applicant stated that the topographical hardship is the visibility to enter the driveway safely for customers and deliveries as the setback is 10' from the entrance. The variance request is to allow the 2nd monument sign to be installed on the opposite side of the entrance for clearer visibility. Both monument signs will be non-luminating, single faced aluminum signs and will face the driveway on opposite sides. The building wall sign will be luminated.

There were no abutters present at the hearing.

The submitted sign designs shall be filed as part of this decision.

MOTION: TO close the public hearing. Moved by Member Colantuoni, seconded by Member Wali. All in favor. Motion Carried.

MOTION: TO grant the Variance requested. Moved by Member Colantuoni, seconded by Vice-Chair Pendleton. All in Favor. Motion **granted**, specific to the Zoning By-Law as outlined above.

Administrative Matters:

1. Approve the Minutes of the January 4, 2023 Board of Appeals Meeting

MOTION: TO accept the minutes of the January 4, 2023 Board of Appeals Meeting as presented. Moved by Vice-Chair Pendleton, seconded by Member Colantuoni. All in favor. Minutes accepted.

6:50 PM - ADJOURN

MOTION: TO adjourn. Moved by Vice-Chair Pendleton seconded by Member Colantuoni. All in Favor. Motion Carried. Meeting adjourned.

Respectfully submitted,



Eric Anable, Secretary