

BILLERICA BOARD of APPEALS
Minutes for the
April 19, 2023 Meeting
6:00 PM – Room 210
365 Boston Road, Billerica, MA

ATTENDANCE: Members Robert Accomando (Chairman), Michael Pendleton (Vice-Chairman), Richard Colantuoni (via ZOOM), Anupam Wali and Salvatore Dampolo. Alternate Member Ralph McKenna was present via ZOOM. Recording Secretary Liz Ells, ZBA.

I. 6:08 PM – PUBLIC COMMENT – No comments.

II. 6:09 PM - Eric & Jessica Van Dam by Jarrett Scarpaci, Esq. – Variance request to reduce front setbacks to construct 2 additions, 2 porches and a 2 car garage in a Rural Residence Zone located at 9 Vincent Street (Case #23-08)

Attorney Scarpaci presented the petition on his client's behalf and explained that they are requesting relief from the frontage setback to construct a 2-car garage with living space above. The lot is a corner lot and the frontage requirement is 35'. They are requesting relief on the Fourth Avenue side to 12' for the proposed garage with additional living space above and the Vincent St. side to 15' for the proposed front porch and 22' for the 2nd addition on the opposite end of the house.

The next door abutter, Mr. Joseph Ruotolo, 5 Vincent St., has conveyed a piece of his property to the applicants and stated that he has no issue with their plans for expansion.

The Plan of Land prepared by Dresser, Williams & Way, Inc., dated September 6, 2022 shall be filed as the Plan of Record for 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 Variance requested. Moved by Member Colantuoni, seconded by Member Dampolo. All in favor. Petition **granted**.

III. 6:12 PM - Lauren Corbett - Variance request to reduce the side setback to construct an addition in a Neighborhood Residence Zone located at 22 Richardson Street (Case #23-10)

Lauren Corbett presented her petition to the Board to reduce the side setbacks to construct additions to her home for herself and her four children. She stated that her husband, Patrick Corbett was a Billerica Firefighter who passed away in 2021 and her goal is to keep the family in the home but needs more space for her growing family. She stated her family also lives across the street. Lauren explained that it is a 2 story addition which will be 2 additional bedrooms, a living room and playroom for the children.

An abutter, Mr. Walter Suprey, 17 Richardson St., stated he has no issues with her plans.

The Plot Plan prepared by Cyprus Design, Inc., dated September 29, 2022 shall be filed as the Plan of Record for 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 Variance requested. Moved by Member Colantuoni, seconded by Vice-Chair Pendleton. All in favor. Petition **granted**.

IV. 6:23 PM - William Cooke by John McKenna, Esq. – Variance request to divide the parcel into four lot in a Village Residence Zone located at Wildcrest Avenue (Case. #23-09)

Attorney McKenna presented the petition on behalf of his client, William Cooke, who is seeking to divide the parcel which consists of 63,425 sq. ft. into 4 conforming parcels to construct single family homes on each parcel. He stated that the applicant will make drainage and road improvements as the existing road consists of gravel without any drainage. The retention area for the drainage will be on the triangle portion of the applicant's lots. He further stated that the road and drainage improvements will provide an immediate benefit to 11 homes on Wildcrest Avenue. He stated that the road and drainage improvements would be made up to DPW standards before building permits are issued for the development. Due to the elevations and the river, town sewer is not a possibility for this area.

Josee Lachance, 53 Adelman Rd., expressed concerns about future development and road development. It was explained where the drainage would be placed and there would be a new road verses the gravel that currently exists.

The Plan of Land prepared by Dresser, Williams & Way, Inc., dated October 4, 2022 shall be filed as the Plan of Record for this decision.

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

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

V. 6:33 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)

Attorney McKenna presented the petition on behalf of his clients, Jingsh & Rita Patel, who are seeking to divide their property consisting of 40,000 sq. ft. into two lots. Attorney McKenna presented abutter support letters for this petition. If granted, the applicant plans to construct a 36 by 26 Colonial or Split Gambrel home. Attorney McKenna addressed the abutters concerns regarding the flood plain, wetlands and flooding. He stated that the Board of Health and Conservation Department have jurisdiction over those areas. He further stated that according to the Town's By-Law, you cannot increase the flow of water to the neighbor. You can't control groundwater but surface water can be redirected.

Brian Dumas, 14 Shawsheen Rd. expressed his opposition to the proposed lot split due to flooding issues. He stated that since 10 Shawsheen was developed, his property has experienced basement flooding. He questioned if another house was built if storm drains would be installed. He stated that 10 Shawsheen falls in the local flood plain as well as wetlands and if the old growth trees are removed, his flooding issue will be increased.

Phyllis Dumas, 7 Shawsheen Rd., also expressed flooding concerns in her basement and has since had to use a sump pump for his basement. He reiterated that prior to 10 Shawsheen being built, he did not have any flooding issues on his property. She stated that the measures that have been taken to address the water issue have failed. Asked what the grade level is going to be for the new house which is dependent on the house style and the grade needed to develop it.

A 60-day continuance was requested to further address the water issues. It was determined to return to the Board with an engineer's stormwater report. Abutter notification will be reissued for this petition.

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

MOTION: TO continue this hearing to June 21, 2023, pending the engineer's stormwater report. Moved by Member Wali, seconded by Member Dampolo. All in Favor. Continuation **granted**.

VI. 7:02 PM - Brian Dawson – Extension Request for previously granted variance in a Neighborhood Residence Zone located at 30 Devonshire Drive (Case # 22-30)

Attorney McKenna stated this Variance was granted on June 15, 2022 and it is currently in land court thereby prompting the request for a 6 month extension.

MOTION: TO grant the extension requested. Moved by Vice-Chair Pendleton, seconded by Member Wali. All in Favor. **Extension request granted** with a new expiration date of December 15, 2023

Administrative Matters:

1. Approve the Minutes of the March 15, 2023 Board of Appeals Meeting

MOTION: TO accept the minutes of the March 15, 2023 Board of Appeals Meeting as presented. Moved by Vice-Chair Pendleton, seconded by Member Wali. All in favor. Minutes accepted.

7:06 PM - ADJOURN

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

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Eric Anable", with a long horizontal flourish extending to the right.

Eric Anable, Secretary