

BILLERICA BOARD of APPEALS
Minutes for the
August 31, 2022 Meeting
6:00 PM
Town Hall, Room 210
365 Boston Road, Billerica, MA

ATTENDANCE: Members Robert Accomando (Chairman), Michael Pendleton (Vice-Chairman), Eric Anable (Secretary), Richard Colantuoni, and Anupam Wali. Alternate Members Salvatore Dampolo and Ralph McKenna were also present. Recording secretary Liz Ells, ZBA.

I. 6:00 PM – PUBLIC COMMENT – No public comments.

II. 6:02 PM - Mark and Christine Gualtieri by James Dangora, Jr., Esq.– Special Permit Request to construct an In-Law apartment in a Neighborhood Residence Zone located at 8 Ichabod Lane (Case #22-45)

Attorney Dangora presented the project for his clients who are proposing to construct an in-law apartment that will be located in the principle building and retain a single-family appearance with sufficient off-street parking. The square footage of the in-law is 780' which is within the requirement of an in-law apartment.

There were no abutters present at this hearing.

The Certified Plot Plan of Land prepared by Dresser, Williams & Way, dated August 18, 2021 shall be filed as part of this decision. The floor plan designed by K&K Design shall also be filed as part of this decision.

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

MOTION: TO grant the Special Permit requested. Moved by Member Colantuoni seconded by Member Wali. All in Favor. **Petition Granted.**

III 6:05 PM - Adriano Oliveira – Special Permit Request to transfer ownership of an Auto Body Shop business in an Industrial Zone located at 77 Alexander Road (Case #22-46)

Marco Formigomi presented the applicant's proposal to transfer ownership. He explained that the applicant also currently operates an auto body shop in Everett and is looking to expand his business to Billerica. The shop will be located in Units 10 and 11. The original owner Richard Marrocco was in attendance for the hearing.

Jeffrey DiBona, Chairman of the Board of Trustees for the Alexander Condo Association and a member of the Burlington Board of Appeals, stated that the current occupant has been a good tenant and has also recently served on the Condo Association Board. Mr. DiBona suggested that as part of the decision anything not outlined in the special permit has to be outlined in the Master Deed and the Declaration of Trust listed at the Registry of Deeds for the project. He requested that the permit transfer be effective upon the transfer of deed in case for some reason, Mr. Oliveira decides not to move forward with the project and the Association is left without a permit.

There were no abutters present at this hearing.

The Building Certification Plan prepared by Summit Survey Service, dated October 26, 1989 shall be filed as part of this decision.

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

MOTION: TO grant the Special Permit requested. Moved by Member Colantuoni, seconded by Member Wali. All in Favor. **Petition Granted.**

IV. 6:11 PM - Richard and Nadia Santiago – Variance Request to reduce the side setback to install a pool in a Village Residence Zone located at 3 Summit Road (Case #22-47)

Mrs. Santiago presented their plot plan and explained they are seeking relief from the rear setback to install a 12'x18' above ground pool. They are requesting to reduce the rear setback from 15' to 1' from the property line.

There were no abutters present at this hearing.

The submitted Certified Plot Plan of Land prepared by Dresser, Williams & Way, Inc., dated July 8, 2022, shall be filed as part of this decision.

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

MOTION: TO grant the Special Permit requested. Moved by Vice-Chairman Pendleton, seconded by Member Colantuoni. All in favor. **Petition Granted.**

V. 6:21 PM - Sergii Narivskyi and Inna Brezhnieva – Variance Request to reduce the side setback to construct a mudroom in a Village Residence Zone at 4 Robinwood Avenue (Case #22-48)

Inna Brezhnieva presented their plot plan with the proposed mudroom. They are requesting side setback relief to construct a 6'x12' mudroom and reduce the setback from 11.5' to 5' to the property line.

Wayne Logan, 18 Bridle Road, stated they maintain the property very well and are good neighbors and supports their project.

Inna presented the Board with a letter of abutter support from Pat Limonciello.

The submitted Certified Plot Plan of Land prepared by Global Associates dated July 8, 2022, 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 Member Wali. All in favor. **Petition Granted.**

VI. 6:27 PM - Daniel Rosa, Jr. – Variance Request to reduce setback and remove Special Condition B from previously granted variance in a Village Residence Zone at 0 Ernest Road (Case #22-49)

Daniel Rosa presented the Board with an updated plot plan and explained the reasons behind their request to remove the Special Condition B from the original variance granted. He explained that the property has been in the family since the 1970's. The original variance granted was for a lot split and to construct a house on each lot and the newly created lots could not be subdivided at any time in the future. It also stated that the existing garage and pool on Lot A would be removed. Mr. Rosa stated that they are now requesting to amend the original variance to remove the Special Condition B to keep the garage and build a smaller house on the lot for his son and family. He stated that the removal of the garage would cause a financial hardship and the topography is restricted given the wetlands on the property. They are planning on keeping the project small scaled and wish to preserve the garage and build a smaller home.

The submitted Certified Plan of Land prepared by Dresser, Williams & Way, Inc., dated July 20, 2022, shall be filed as part of this decision.

There were no abutters present at this hearing.

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 Member Wali. **Petition Granted.**

VIII. 6:34 PM - Daniel Griffin – Variance Request to reduce side setback to construct an addition in a Rural Residence Zone located at 1 Hunt Road (Case #22-50)

Daniel Griffin presented his project to the Board and stated they have owned their home since 1995 and now wish to add an addition for their daughter and family to reside on the property. It was noted that there was no common area access and it could be considered to be a two family home in a single family zone. They are requesting a 2.5' side setback in order to construct the addition.

Based on discussions, the applicant requested a continuance to October 19, 2022, in order to revise the plans for the Board's review.

MOTION: TO continue the hearing per the applicant's request to October 19, 2022 pending submission of revised plans. Moved by Member Colantuoni, seconded by Vice-Chairman Pendleton. All in favor. Motion carried.

IX. 6:47 PM – Brenda Steward and Brian Pendleton, by Stephen Nelson Esq. – Extension Request for previously granted Variance in a Rural Residential Zone located at 51 Oak Street (Case #21-69)

Attorney Nelson presented the extension request to the Board pending the Planning Board's approval for the B-2 plan which was approved on September 19, 2022. The new expiration date on the original variance is now June 8, 2023.

It is noted that Vice-Chairman Pendleton recused himself from this hearing and Alternate Member Salvatore Dampolo voted on this request.

MOTION: TO grant the six month extension with a new expiration date of June 8, 2023. Moved by Member Colantuoni, seconded by Member Wali. All in Favor. **Extension Granted.**

X. 6:50 PM - John and Deborah Powers - Extension Request for previously granted Variance in a Rural Residence Zone located at 59 Oak Street (Case # 21-60)

Mr. & Mrs. Powers presented their extension request to the Board pending the Planning Board's approval for the B-2 plan which was approved on July 11, 2021. The new expiration date on the original variance is now May 10, 2023.

It is noted that Vice-Chairman Pendleton recused himself from this hearing and Alternate Member Salvatore Dampolo voted on this request.

MOTION: TO close the public hearing. Moved by Member Colantuoni, seconded by Chairman Accomando. All in Favor. **Extension Granted.**

MOTION: TO grant the six month extension request with a new expiration date of May 10, 2023. Moved by Member Colantuoni, seconded by Member Wali. All in Favor. **Extension Granted.**

9:00 PM - ADJOURN

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

Respectfully submitted,



Eric Anable
Secretary