

BILLERICA BOARD of APPEALS
Minutes for the
September 14, 2022 Meeting
6:00 PM
Town Hall, Auditorium
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. 6:06 PM** - Daniel Whisman & Jennifer Byford by ALC Design, LLC. And Philip Trapasso - Variance Request to construct attached 2 car garage in a Village Residential Zone located at 54 Briarwood Avenue (Case #22-51)

Mr. Philip Trapasso of ALC Designs, presented the project on behalf of his clients, Daniel Whisman and Jennifer Byford who are seeking relief from the rear setback to construct a two (2) car garage attached to the main house. The property is a uniquely shaped corner lot and the applicants face a financial hardship based on market value and the restricted use of the home. The Board granted a setback of 6.5' to the back of the property, 9.2' for the shed and 6.3' from the corner. There will be one (1) curb cut and one (1) driveway and it was stated that the existing driveway will be removed.

There were no abutters present at this hearing.

The submitted Certified Plot Plan of Land prepared by David P. Terenzoni, P.L.S., dated August 9, 2022 and the design plans by ALC Design 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 Wali seconded by Member Colantuoni. All in Favor. **Petition Granted.**

III 6:10 PM - Billerica Housing Authority by James Dangora, Jr., Esq. – Variance Request to vary the terms of the Dimensional Table to divide the property and construct a new building lot in a Village Residential Zone located at 16-18 Mason Avenue (Case #22-52)

Attorney Dangora, Jr., presented the project on behalf of the Billerica Housing Authority. They are seeking to divide the premises into two lots to construct a new affordable home for a family in need. The Billerica Housing Authority purchased the property in 2021 with Community Preservation Act funds authorized at the Fall 2018 Town Meeting. The property consists of lots 5 and 6 and are listed in the Assessor's Office as two separate parcels with separate tax bills. Attorney Dangora presented the Board with the registered land court plan dated 1950 that protects the lots. It was noted that there was possibly a former structure on the lot according to an old Assessor's map and it currently has an old garage on it. The lot has 81' of frontage and a 15' front setback to be consistent with other houses in the neighborhood. The Housing Authority is planning on contracting the work out to the Shawsheen Valley Technical High School.

The project consists of constructing a small, 28 x 48 slab foundation 3 bedroom ranch home and the Housing Authority is requesting that a condition be placed on it that the home will remain affordable in perpetuity.

June Urquhart of 4 Brentham Road, asked for confirmation that the land was registered and protected.

Maureen Kriff, 24 Mason Ave., agreed the garage needs to be demolished and supports the project.

Charlene McCarthy of 52 Gail Ann Drive supported the project. She stated that the garage is in disrepair and will be glad to see it demolished and a new house built on the lot.

Jen Cooper, 20 Mason Ave., also stated her support for the project.

It is noted that all the abutter's spoke highly of Mr. Robert Correnti and the Billerica Housing Authority for their hard work and dedication to affordable housing in Billerica.

Permitting Services Director, Mark LaLumiere, also stated his support of the project and believes it is a good project.

The submitted Certified Plot Plan of Land prepared by Dresser, Williams & Way, Inc., dated May 16, 2022 and the Subdivision of Blocks 5 & 6 Plan prepared by Arthur C. Comey, City Planner, dated October 9, 1914 filed with the North Registry District of Middlesex County, dated May 10, 1915 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 Variance requested. Moved by Member Colantuoni, seconded by Member Wali. All in Favor. **Petition Granted.**

- IV. 6:33 PM - John & Helen Razzino, Ernest & Doreen Rahn and Alicia Longani & Michael Beaulieu by John J. McKenna, Esq. – Variance Request to allow a boundary line adjustment and make three parcels conforming in a Village Residential Zone located at 45 Alpine St., 2 Twin Pines Ave., and 47 Alpine St. (Case # 22-53)

Attorney McKenna presented the boundary line adjustment for his clients who seek to change the lot line separating the parcels as shown on the plan. The owners of 2 Twin Pines Avenue granted a 6-month easement to owners of 45 and 47 Alpine Street for use of the property to use and store personal items. The parties now wish to make the transfer permanent. The topography of the land is a ridge off the hill close to the proposed boundary line where the property owners have maintained sheds.

The submitted Certified Plot Plan of Land prepared by Dresser, Williams & Way, Inc., dated July 22, 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 Wali, seconded by Member Colantuoni. All in favor. **Petition Granted.**

- V. 6:40 PM - Williams Papilla – Special Permit Request to construct an In-Law Apartment in a Village Residential Zone located at 4 Crest Road (Case #22-54)

Mr. Padilla presented his project to transform the first floor of the house and construct an in-law apartment for his sister-in-law on the left side of the house which does not have a second floor. Due to the unique footprint of the house, to the right side, he would like to close one of the garage bays and make it into a kitchen for his family with a living room on the back right side. The second floor of the house has 3 bedrooms. The square footage of the in-law is 720' and has two means of egress.

There were no abutters present at this hearing.

The Certified Building Certification Plan prepared by Summit Survey Service, dated October 3, 1994 shall be filed as part of this decision.

MOTION: TO close the public hearing. Moved by Member Wali seconded by Member Colantuoni. 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.**

VI. 7:00 PM - Syed Shoaib Adil – Variance Request to reduce the side and rear setbacks to construct a garage in a Village Residential Zone located at 13 Sheridan Street (Case #22-55)

Mr. Adil presented his project to construct a detached 16 x 20 garage in the back of his property. It is a small corner lot and is grandfathered for setbacks but if the variance is granted, it would reduce the side setback to 4' or less. The Board expressed concerns that the garage would be right on the property line and poses possible safety hazards. It was noted that the house currently exceeds the lot coverage percentage.

James & Margaret Campbell, 7 A Street, presented the Board with a letter stating their concerns and opposition to the variance. Their letter will be made part of the file.

The submitted Certified Plot Plan of Land prepared by Dresser, Williams & Way, Inc., dated September 25, 2020 and 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 deny the Variance requested. Moved by Member Colantuoni, seconded by Vice-Chairman Pendleton. Petition Denied.

VII. 7:11 PM - Megan Flaherty – Variance Request to reduce the front setback to construct a farmer's porch in a Neighborhood Residential Zone located at 21 Fieldstone Lane (Case #22-56)

Mrs. Flaherty presented her project to the Board and is seeking relief from the front setback to construct a farmer's porch. The house entryway projects further out from the house and currently does not have steps to the front door. The porch dimensions are 24.5 x 12 x 10 which would reduce the front setback from 35' to 16'.

The submitted Certified Plot Plan of Land prepared by Dresser, Williams & Way, Inc., dated August 8, 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.

PREVIOUSLY CONTINUED HEARINGS:

VIII. 6:40 PM - Dean Jenkins by John J. McKenna, Esq. – Variance Request for lot area, frontage and boundary line change to construct a single-family home in a Neighborhood Business Zone located at Mt. Pleasant Street (Case #22-35) (Previously continued from August 17, 2021)

Attorney McKenna verbally requested to withdraw this petition without prejudice. Written request forthcoming.

MOTION: TO accept the withdrawal without prejudice. Moved by Member Colantuoni, seconded by Member Wali. All in favor. Withdrawal accepted.

Administrative Matters:

1. Approve the Minutes of the August 17, 2022 and August 31, 2022 Board of Appeals Meeting

MOTION: TO accept the August 17, 2022 minutes are presented. Moved by Vice-Chairman Pendleton, seconded by Member Colantuoni. All in Favor. Motion carried.

MOTION: TO accept the August 31, 2022 minutes as presented. Moved by Member Wali, seconded by Vice-Chairman Pendleton. All in favor. Motion carried.

9:00 PM - ADJOURN

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

Respectfully submitted,



Eric Anable, Secretary