



TOWN OF BILLERICA

BOARD OF APPEAL

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Minutes pertaining to the Board of Appeal Meeting held on Wednesday, JANUARY 2, 2019 in the Maurice Buck Auditorium, Town Hall, 365 Boston Road, Billerica, MA.

Members Present: Doris M. Pearson, Chairman; Richard A. Colantuoni, Vice-Chairman; Anupam S. Wali, Secretary; Salvatore A. Dampolo and Eric Anable.

Chairman Doris M. Pearson opened the Board of Appeal meeting at 7:02 P.M. Chairman Pearson read the notice of each petition prior to its hearing and swore in those wishing to speak on each petition.

HEARING #1 JOSEPH A. SMITH
 BY JAMES T. DANGORA, ESQ.
 SHEA, DANGORA AND NELSON
 566 BOSTON ROAD, BILLERICA, MA

LOCUS: 8A PARKER STREET (PLATE 60 PARCEL 144)

Members sitting on this hearing: Doris M. Pearson, Richard A. Colantuoni, Salvatore A. Dampolo and Eric Anable.

Mrs. Pearson explained this hearing was continued from the Board of Appeal meeting on December 5, 2018.

Attorney James T. Dangora, Sr., appeared before the Board of Appeal requesting a VARIANCE pursuant to Section 7.L (Dimensional Regulations) of the Zoning By-law to allow the petitioner to divide his land into two lots and to otherwise make the lots conforming in all respects in a Neighborhood Residence Zone.

This property has been in Joseph's family for over 50 years. The existing house is set to the right of the property. In 1952 there were several buildings on the land. If the Variance is approved, Joseph would like to build a house for himself on the newly created lot. When divided the two lots will be larger than most lots in the neighborhood and the Variance will not derogate from the intent and purpose of the Zoning By-law.

Mr. Colantuoni noted neighborhood residence zoning requires 40,000 square feet of land with 175 feet of frontage.

Mrs. Pearson noted the existing house is on the right side of 8A Parker Street with room on the left side to for a new house.

J. Smith cont'd:

Salvatore A. Dampolo made a motion to close the hearing, second by Anupam S. Wali. All in favor. Motion granted.

Richard A. Colantuoni made a motion to Grant the petitioner a Variance pursuant to the legal ad, plan submitted and testimony given, second b Salvatore A. Dampolo. All in favor. Motion granted.

HEARING #2 PETER L. MCKENNA
BY JAMES T. DANGORA, JR., ESQ.
SHEA, DANGORA & NELSON
566 BOSTON ROAD, BILLERICA, MA

LOCUS: 8 KENESON ROAD (PLATE 77 PARCEL 24-0)

Members sitting on this hearing: Doris M. Pearson, Richard A. Colantuoni, Salvatore A. Dampolo and Eric Anable.

Mrs. Pearson explained this hearing was continued from the Board of Appeal meeting on December 5, 2018.

Attorney James T. Dangora, Jr., representing the petitioner, appeared before the Board of Appeal requesting a VARIANCE pursuant to Section 7 (Dimensional Table) of the Zoning By-law to allow the petitioner to divide his land into two lots and to otherwise make the lots and use conforming in all respects on land in a Rural Residence Zone. He gave a copy of the area map to each member of the board.

Peter is 36 years old and is a graduate of Shawsheen Tech. He has lived in Florida and New Hampshire. He bought the property in 2016 and now he would like to move back to Billerica and build a home for him and his fiancée Caitlin, who are going to be married in April. Also, he would like to build a house for his sister on the other newly created lot. This is an opportunity for Peter to help his family. This land is of a unique shape. Both the lots will be similar in size. The new houses will be compatible with others homes in the neighborhood.

Peter will be installing town sewer on his land and he intends to continue the town sewer at a considerable length to a manhole on Fahey Way and Riverhurst Road. The Board of Health sent a mem stating septic systems would be required, but they revised their memo when they became aware of the proposed town sewer connection.

Mrs. Pearson said this is commendable that he plans to extend the town sewer in the area.

Mr. Wali said the sewer lines will definitely help the town and the families in the area.

P. McKenna cont'd:

Mr. Colantuoni hopes that Peter is going to foot the bill for the 200 foot town sewer installation.

Mr. Dampolo said this is a win/win situation for everyone involved.

Brian Roach, 17 Fahey Way said he is concerned with the trees being taken down and its possible effect on the drainage in the area. He is not in favor of this Variance request. He has not seen the plan for this proposal.

Atty. Dangora showed Brian the plan for the Variance request to divide Peter's land.

Mr. Colantuoni asked, if they have a plan as to where the houses will be located on the lots?

Atty. Dangora replied not at this time.

Anupam S. Wali made a motion to close the hearing, second by Richard A. Colantuoni All in favor. Motion granted.

Salvatore A. Dampolo made a motion to Grant the petitioner a Variance pursuant to the legal ad, plan submitted and testimony given, second by Anupam S. Wali. All in favor. Motion granted.

HEARING #3 JERRY MARONE AND NANCY D. MARGESON
 BY JAMES T. DANGORA JR., ESQ.
 SHEA, DANGORA & NELSON
 566 BOSTON ROAD, BILLERIA, MA

LOCUS: 5 MUNROE WAY (PLATE 82 PARCEL 174-2)

Members sitting on this hearing: Doris M. Pearson, Richard A. Colantuoni, Anupam S. Wali, Salvatore A. Dampolo and Robert B. Accomando.

Mrs. Pearson explained this hearing was continued from the Board of Appeal meeting on December 5, 2018.

Attorney James T. Dangora, Jr., representing the petitioner, appeared before the Board of Appeal requesting a VARIANCE pursuant to Section 7 (Dimensional Table) of the Zoning By-law to allow the petitioner to divide his land into two lots and to otherwise make the lots and use conforming in all respects on land located in a Village Residence Zone.

Marone/Margeson Cont'd:

Attorney Dangora requested permission to continue this hearing to the next available meeting.

Richard A. Colantuoni made a motion to continue this hearing to the Board of Appeal meeting on February 20, 2018 at 6:55 P.M. in the Thomas Conway hearing Room. Second by Anupam S. Wali. All in favor. Motion granted.

OTHER BUSINESS - BOARD OF APPEAL MEETING – JANUARUY 2, 2019

Mary Beth Osborne for George Allen & Son Construction, Inc. by James T. Dangora, Esq. – Extension request for the Variance granted by the Board of Appeal on April 18, 2018 for land at 25 Devonshire Drive.

Attorney James T. Dangora appeared before the Board of Appeal requesting an extension to the Mary Beth Osborne for George Allen & Son Construction Variance granted on April 18, 2018. The extension is needed, as they are still in Land Court with this property.

Richard A. Colantuoni made a motion to grant the extension request to the Mary Beth Osborne for George Allen & Son Construction, Inc. Variance granted on April 18, 2018, second by Anupam W. Wali. All in favor. Motion granted.

Philip B. Noyce and John J. Farrance and Robert Ahern by Raymond Weicker, Esq., 25 Fletcher Street, Chelmsford, MA – Extension request for a Variance granted on January 17, 2018.

Philip B. Noyce, John J. Farrance and Robert K. Ahern were granted a Variance by the Board of Appeal on January 17, 2018 and recorded with the Town Clerk on January 29, 2018 and certified by Margaret Ryan, Assistant Town Clerk on February 21, 2018.


Robert Ahern is present and he is requesting the Variance extension as the Conservation Commission denial decision is under court Appeal. This six month Variance extension request is in accordance with the Massachusetts General Laws Chapter 40A.

Other Business:

Doris M. Pearson made a motion to accept the minutes of the Board of Appeal meeting on December 5, 2018, second by Anupam S. Wali. All in favor. Motion granted.

Eric Anable made a motion to adjourn the Board of Appeal meeting on January 2, 2019 at 9:02 P.M., second by Doris M. Pearson. All in favor. Motion granted.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Anupam S. Wali", is written over a horizontal line.

Anupam S. Wali, Secretary