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Minutes pertaining to the Board of Appeal Meeting held on Wednesday, MARCH 21, 2018 in the Maurice Buck Auditorium, Town Hall, 365 Boston Road, Billerica, MA.

Members Present: Richard A. Colantuoni, Vice-Chairman; Anupam S. Wali, Secretary; Salvatore A. Dampolo, Ralph J. McKenna and Eric Anable.

Vice-Chairman Richard A. Colantuoni opened the Board of Appeal meeting at 7:00 P.M. Mr. Colantuoni read the notice of each petition prior to its hearing and swore in those wishing to speak on each petition.

HEARING #1 MJA REALTY TRUST BY JAMES T. DANGORA, JR. ESQ.

LOCUS: 36 OUTLOOK ROAD (PLATE 85 PARCEL 97)

Members sitting on this hearing: Richard A. Colantuoni, Anupam S. Wali, Salvatore A. Dampolo, Ralph J. McKenna and Eric Anable.

Attorney James T. Dangora, Jr., representing the petitioners, appeared before the Board of Appeal requesting a VARIANCE pursuant to Section 7 (Dimensional Regulations) of the Zoning By-Law or any limitation, extension, change, alteration or modification of use, or method of use as may at hearing appear necessary or proper in the premises to divide the land to create two buildable lots and to otherwise make the lots and use conforming in all respects in a Village Residence Zone.

Martin Allen would like to divide the land in question into two 15,000 square foot lots with one lot having 100 feet of frontage on Larson Street and the other lot having 150 feet of frontage on Outlook Road.

Mr. Colantuoni asked, what type of house are you planning to build?

Atty. Dangora replied it will be a 24-foot by 24- foot house.

Mr. McKenna asked, how long have you owned this land?

Mr. Allen replied two to three months.

Mr. McKenna said we are building too many houses on small lots. The town should stop building on the small lots.

Atty. Dangora replied that a 15,000 square foot lot is a large lot in this area.

MJA cont'd:

Mason Heuston said since Marty bought this land he's cleaned it up and building a house on this land would be an asset to the area.

Mr. Dampolo said his first house had 15,000 square feet of land that was more than enough to take care of. His present house has 20,000 square feet and it is too much to keep up now.

Ralph J. McKenna made a motion to close the hearing, second by Anupam S. Wali. All in favor. Motion granted.

Anupam S. Wali made a motion to Grant the petitioners request to their Appeal before the Board of Appeal, second by Salvatore A. Dampolo. Four in favor and one opposed. Motion granted.

**HEARING #2 LISA LUTHER, ALICE VERA AND JOHN B. BALBONI, TRS.
 OF FOUR FUTURE REALTY TRUST FOR KULVINDER SAINI**

LOCUS: 880 BOSTON ROAD (PLATE 99 PARCEL 398-1)

**Members Present: Richard A. Colantuoni, Vice-Chairman; Anupam S. Wali, Secretary;
Salvatore A. Dampolo, Ralph J. McKenna and Eric Anable.**

Harbhajan Saini and Pardeep Saini appeared before the Board of Appeal for a SPECIAL PERMIT pursuant to Section 5.C.6.c(2)(m) (Fast Food Order Establishment) of the Zoning By-law to expand their Indian style restaurant into an adjoining building unit located in a General Business Zone

The Saini family has operated their Indian Style restaurant business for many years at the 880 Plaza. Their restaurant has limited seating and is mostly take-out service. Now they would like to expand their restaurant business into the adjoining unit at the 880 Plaza to allow seating for approximately 30-40 customers. . Their hours of operation are Tuesday through Friday from 11:00 A.M. to 9:00 P.M. and Saturday and Sunday from 12:00 Noon to 9:00 P.M. Closed on Mondays. There are sufficient parking spaces for their employees and customers at this location.

Mr. Colantuoni asked, how many seat are there right now and what tis the size of the new restaurant area.

Mr. Saini replied 15 seats in a 400 square foot area with a 300 square foot kitchen. The new area has 800 square feet of space. We hope to have nine to ten tables in there.

Saini cont'd:

Mr. Colantuoni asked, if the kitchen area will remain the same size and in the same area?

Mr. Saini replied yes.

Mr. Dampolo understands that he would like to have more room for his restaurant and to better serve their customers.

Mr. Anable said the plan looks great and he is happy with his proposed plan.

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

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

**HEARING #3 PAT LIMONCIELLO IRREVOCABLE TRUST
 BY STEPEH J. LENTINE, ESQ.**

LOCUS: 6 ROBINWOOD AVENUE (PLATE 49 PARCEL 316-0)

Members Present: Richard A. Colantuoni, Vice-Chairman; Anupam S. Wali, Secretary; Salvatore A. Dampolo, Ralph J. McKenna and Eric Anable.

Attorney Stephen J. Lentine, representing the petitioner, appeared before the Board of Appeal requesting a VARIANCE pursuant to Sections 7.B.4 (Lot Split), 7.D (Yards-Setbacks) 7.L (Dimensional Table, Area, Frontage and Yards) of the Zoning By-law and to otherwise make the lots conforming in all respects to Section 7 or any limitation, extension, change, alternation or modification of use or method of use as may at hearing appear necessary or proper in the premises to allow the petitioner to subdivide his land located in a Rural Residence Zone.

Pat Limonciello is 78 years old and is losing his eye sight. He has live at his home in the River Pine area for 50 years and at this time it is very difficult to maintain. He would like to stay in his home and sell the proposed lot to assist him financially. Lot 1 will have 150 feet of frontage on Robinwood Avenue with 15,000 square feet of land. Lot 2 will have 50 feet of frontage on Balsamwood Avenue with 5,000 square feet of land.

**Mr. Dampolo asked, if he is planning on selling the proposed lot?
Atty. Lentine replied yes.**

Limongiello cont'd:

Mr. Dampolo said selling the proposed will allow him to stay in his home and give him the finances to take care of his home and land. It's a win-win situation.

Mr. Anable said he concurs with his board member.

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

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

HEARING #4 MARK A. AND TRACY A. KNICKLE

LOCUS: 8 HARJEAN ROAD (PLATE 36 PARCEL 111-0)

Members Present: Richard A. Colantuoni, Vice-Chairman; Anupam S. Wali, Secretary; Salvatore A. Dampolo, Ralph J. McKenna and Eric Anable.

Mark and Tracy Knickle appeared before the Board of Appeal requesting a pursuant to VARIANCE pursuant to Section 7 (Dimensional Regulations) of the Zoning By-Law or any limitation, extension, change, alteration or modification of use, or method of use as may at hearing appear necessary or proper in the premises to build an addition, a farmer's porch and a portico over the stairway onto their house located in a Village Residence Zone.

Mark and Tracey would like to build a master bedroom suite with a bathroom, a new entry way with a farmer's porch and a portico over their existing stairway. In order to build the proposed additions onto their house, the Variance is required.

Mr. Colantuoni said this addition plan looks very nice. He asked, if this is a single story addition?

Mr. Knickle replied yes and it will be built to the back of their house.

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

Ralph J. McKenna made a motion to Grant the petitioners a Variance pursuant to the legal ad, plan submitted and testimony given, second by Anupam S. Wali. All in favor. Motion granted.

HEARING # 5 DANIEL R. AND LISA M. POIRIER

LOCUS: 18 ALLENDALE AVENUE (PLATE 91 PARCEL 131-2)

Members sitting on this hearing: Richard A. Colantuoni, Anupam S. Wali, Joseph P. Shaw, Salvatore A. Dampolo and Eric Anable.

Daniel and Lisa Poirier appeared before the Board of Appeal for a Special Permit pursuant to Section pursuant to Section 10.C (Alteration, Reconstruction, Extension or Structure Change to a Single Family or Two Family Dwelling) of the Zoning By-Law or any limitation, extension, change, alteration or modification of use, or method of use as may at hearing appear necessary or proper in the premises to build an addition onto their house located in a Village Residence Zone.

Daniel and Lisa would like to build the second floor addition onto their existing house to include three bedrooms and one bathroom for their growing family. They do not intend to build an addition onto the extended rear portion of their house. In order to build the addition onto their house, the Special Permit is required.

Mr. Colantuoni asked, how high the second floor addition will be onto your house.

Mr. Poirier replied it will about 10+ feet.

Mr. Dampolo said it appears that your definitely need more space for your family.

Jack Correa said he lives next door to this house and he is not in favor of the Variance. He feels the addition will block his house from the sunshine on that side. Also, currently the sap from the pine trees on the property out back is collecting onto his house. I feel as though the addition will affect the value of my house.

Mr. Colantunoi asked, what about the other houses in the area.

Mr. Correria said there are two- story and single family homes in the area.

Mr. McKenna asked, if here was any way you could build the addition onto the other side of your house?

Mr. Poirier replied he is building a second floor onto the main house and it does not include the addition out back..

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

Poirier cont'd:

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

HEARING # 6 SCOTT J. AND RENEE M. DE YOUNG
BY JOHN J. MCKENNA, ESQ.

LOCUS: 23 GREEN ACRE DRIVE (PLATE 44 PARCEL 84-0)

Members Present: Richard A. Colantuoni, Vice-Chairman; Anupam S. Wali, Secretary; Salvatore A. Dampolo, Ralph J. McKenna and Eric Anable.

Attorney John J. McKenna, representing the petitioners, appeared before the Board of Appeal for a SPECIAL PERMIT pursuant to Section 5.C.1.i.(2)(c) (In-law Apartments) of the Zoning By-law to build an in-law apartment addition, above the proposed garage, onto their house located in a Rural Residence Zone

Renee is a nurse and he is a postman and they have three children. They would like to build a 20-foot by 20-foot three-car garage with a breezeway onto their 24½ foot by 44 foot house. The in-law apartment will be above the garage. It will maintain the appearance of a single family home.

Mr. Colantuoni asked, who will live in the in-law apartment?

Atty. McKenna said Renee's mother.

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

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

HEARING #7 MICHAEL DIPLATZI, MANAGER DIPLATZI REALTY LLC
BY JOHN J. MCKENNA, ESQ.

LOCUS: COOK STREET (PLATE 74 PARCEL 40)

DiPlatzi cont'd:

Members sitting on this hearing: Richard A. Colantuoni, Anupam S. Wali, Joseph P. Shaw, Salvatore A. Dampolo and Eric Anable.

Attorney John J. McKenna, representing the petitioner, appeared before the Board of appeal for a VARIANCE pursuant to Section 7 (Dimensional Regulations) of the Zoning By-law or any limitation, extension, change, alteration or modification of use, or method of use as may at hearing appear necessary or proper in the premises to divide his land into two lots to build a house on each newly created lot and to otherwise make the lots conforming all respects located in a Village Residence Zone,

Michael DiPlatzi desires to divide his property containing 15,000 square feet of land into two lots. He intends to raze the existing house. He plans to apply for building permits to construct a single family home on each newly created lot that will enhance the area. In order to divide the land to create two buildable lots, a Variance is required. He has been to the Conservation Commission. They would like the land donated to the town.

Mr. Colantuoni asked, if he will have to go back to the Board of Appeal to divide the land to give to the Conservation Commission.

Atty. McKenna replied yes.

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

Eric Anable made a motion to Grant the petitioners a Variance pursuant to the legal ad, plan submitted and testimony given, second by Anupam S. Wali. All in favor. Motion granted.

HEARING #8&9 KAREN HAYES

LOCUS: 4 KENSINGTON DRIVE (PLATE 54 PARCEL 8 5-0)

Members Present: Richard A. Colantuoni, Vice-Chairman; Anupam S. Wali, Secretary; Salvatore A. Dampolo, Ralph J. McKenna and Eric Anable.

Karen Hayes appeared before the Board of Appeal for a SPECIAL PERMIT pursuant to Section 5.C.1.i.(2)(c) (In-law Apartments) of the Zoning By-law to build an in-law apartment addition and a farmer's porch onto her house located in a Rural Residence Zone. Also requested a VARIANCE pursuant to Section 7 (Dimensional Regulations) of the Zoning By-law.

Hayes cont'd:

She would like to build the in-law apartment for herself and her husband, who is now handicapped. The in-law apartment will not exceed the 800 square foot requirement and there will be sufficient area for all residential vehicles.

Mr. Colantuoni asked, who will live in the main house?

Ms. Hayes said her son and his family will live in the main house.

Anupam S. Wali made a motion to close the Special Permit and Variance hearings, second by Eric Anable. All in favor. Motion granted.

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

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

OTHER BUSINESS - BOARD OF APPEAL MEETING - MARCH 21, 2018

Eric Anable made a motion to adjourn the March 21, 2018 Board of Appeal meeting at 9:21 P.M., second by Richard A. Colantuoni. All in favor. Motion granted.

Next Meeting: April 18, 2018

Respectfully submitted,

Anupam S. Wali, Secretary