

# TOWN OF BILLERICA

**Zoning Board of Appeals  
365 Boston Road  
Billerica, Massachusetts 01862  
978-671-0964**

Minutes pertaining to the Board of Appeal Meeting held on Wednesday, April 17, 2019 in the Thomas Conway Hearing Room, Town Hall, 365 Boston Road, Billerica, MA.

Members sitting and voting on all hearings: (DP) Doris Pearson, Chair; (RC) Richard Colantuoni, Vice-Chair; (AW) Anupam Wali, Secretary; (RA) Robert Accomando; and (EA) Eric Anable

Chair Doris Pearson opened the meeting at 7:00 PM. Chairman Pearson read the notice of each petition prior to it's hearing and swore in those wishing to speak on each petition.

---

## **Hearing #1....697 Boston Road**

John J. Balboni, by Stephen J. Lentine, Esq. –a continued hearing from March 20, 2019—  
Variance request to subdivide his land at 697 Boston Road.

Atty. Steven Lentine, presented the applicants case to divide existing 46,736 SF lots into two lots with 21,803 Sf and 80.54 Ft frontage and 24,933 Sf and 68.62 Ft of frontage. Both lots are shown on a plan dated January 22, 2019 and revised March 28, 2019, prepared by Dresser, Williams & Way, Inc. Said plan is made part of this decision. Atty. Lentine stated that there is an old, run down, SFD on the premises that will be demolished. Atty. Lentine stated that the site due to its topography, configuration, structure and size poses a substantial hardship.

Atty. Lentine explained that the petitioner had met with the neighbors and all were ok with the proposal.

Motion by (RC), second by (AW) to close the hearing----all in favor 5-0

Motion by (RC), second by (AW) to grant the variance pursuant to the legal ad, plan submitted and testimony given. All in favor. Motion granted.

---

## **Hearing #2....7 Freedom Way**

John & Susan Saulnier, by James T. Dangora Jr., Esq – a continued hearing from March 20, 2019—Variance request to subdivide their land at 7 Freedom Way.

At the hearing, Atty. Dangora presented the fact that the property is uniquely shaped with frontage on two streets causing hardship upon the petitioners. Petitioners' property is also

unique as it abuts a paper street. Each new lot will be consistent with the size of other lots in the neighborhood. New single family dwelling will meet setbacks.

All abutters present were in favor.

Motion by (RC), second by (RA) to close the hearing----all in favor 5-0

Motion by (RC), second by (RA) to grant the variance pursuant to the legal ad, plan submitted and testimony given. All in favor. Motion granted.

---

**Hearing # 3 and 4..... 240 Boston Road**

Vishwa Hindu Parishad of America, Inc by Christopher J. Alpen, Esq. This is an appeal of the Building Inspector's denial for a building permit and a Variance request for insufficient parking for a proposed religious structure. This matter has been continued many times.

Board is in receipt of a letter from Atty. Mark Bobrowski requesting the ZBA to allow withdrawal of this matter, with prejudice.

Motion by (RC), second by (RA) to withdraw as requested----all in favor 5-0.

---

**Hearing # 5.....95-1/2 Bridle Road**

Susan P. Koutalakis—requesting a Special Permit to construct an In-Law apartment addition onto her house at 95-1/2 Bridle Road.

At the hearing, the applicant presented architectural drawings and a site plan which are made part of this decision. The In-Law unit will be occupied by the applicant's parents.

The proposal meets the requirements of the Zoning By-Law: The living quarters are separate, but located in the principal building; The living quarters do not exceed 800 SF; There are no more than two related persons as occupants; There is sufficient off-street parking for the use; The principal building in which the use is located retains its single family dwelling appearance.

Motion by (RC), second by (AW) to close the hearing----all in favor 5-0

Motion by (RC), second by (AW) to grant the variance pursuant to the legal ad, plan submitted and testimony given. All in favor. Motion granted.

---

**Hearing #6.... 40 Allen Road**

Brian Duby, by Atty James T. Dangora, Jr. Esq--- requesting a Variance to tear down existing dwelling and construct a new single family dwelling.

At the hearing, the applicant testified that the existing dwelling is old and in disrepair. The variance is required to rebuild due to the shape of the lot and wetland restrictions. The scope of

the variance requested is for a sideline setback from 15' to 7.5'. A plan by Landplex Civil Engineers dated 2/13/19 for Leo Shea is made part of this decision.

All abutters present were for the proposed change.

Motion by (RC), second by (RA) to close the hearing----all in favor 5-0

Motion by (RA), second by (AW) to grant the variance pursuant to the legal ad, plan submitted and testimony given. All in favor. Motion granted.

---

#### **Hearing #7....0 Heather Circle**

Richard J. Hughes, Trustee of JRS Realty Trust by Atty. Stephen J. Lentine, Esq. Asking for a variance to reestablish the premises merged with his abutting home residence, as a legal buildable lot for a single family home.

At the hearing, Atty. Lentine, stated that the adjacent lot accidentally through a legal error merged due to a zoning change. This petition is to re-establish the subject lot as a legally buildable lot. A plan by Dresser Williams & Way dated Feb 25, 2019 showing lot 6 with 28,755 SF and over 200 Ft of frontage is made part of this decision.

Motion by (RC), second by (AW) to close the hearing----all in favor 5-0

Motion by (RA), second by (RA) to grant the variance pursuant to the legal ad, plan submitted and testimony given. All in favor. Motion granted.

---

#### **Hearing #8....11 Edison Lane**

Douglas M. & Susan D. McGeoghegan by Atty. Stephen J. Lentine, Esq. asking for a Special Permit to construct an In-Law apartment onto their single family home.

The applicant presented architectural drawings and a site plan which are made part of this decision. The In-Law unit will be occupied by the applicant's parents and meets the requirements of the Zoning By-Law for an In-Law unit.

Motion by (RC), second by (RA) to close the hearing----all in favor 5-0

Motion by (RC), second by (RA) to grant the variance pursuant to the legal ad, plan submitted and testimony given. All in favor. Motion granted.

---

#### **Hearing #9...45 Nolte Road (see also Hearing #10)**

Derek H. Allgaier, Trustee of D.H. Realty Trust by Atty. George M. Medeiros, Esq requesting a variance to convey land to an abutter to construct a single family home. Petitioner is requesting permission to convey a strip of land 20 FT wide along the westerly side of his property to allow access to a 1.72 acre parcel to the rear of his parcel. Said parcel presently has access from Banulis Road (rear) through a 16 FT wide strip of land that crosses Green Engineering Wet

Lands. Petitioner submitted a site plan by Dresser, Williams & Way dated Feb. 20, 2019. Petitioner stated they would plant a row of evergreens along the property line with #47 Nolte Road. This abutter appeared ok with the proposal. Petitioner agreed that they would be constructing one dwelling on the 1.72 acre lot to the rear. There was much discussion with many abutters objecting this petition mainly concerned with the construction of a new dwelling on the 1.72 acre parcel aka 9 Banulis Road (rear) (see next case --9 Banulis Road (rear)).

Motion by (RC), second by (AW) to close the hearing----all in favor 5-0

Motion by (RC), second by (AW) to grant the variance pursuant to the legal ad, plan submitted and testimony given. 4 in favor- 1 no (DP). Motion granted.

---

#### **Hearing #10...9 Banulis Road (rear)**

Janet E. Adams & Craig E. Adams by Atty. George M. Medeiros, Esq.- Variance request to acquire land from an abutter to construct a single family dwelling on the newly created lot. There was much discussion with many abutters objecting to this proposal mainly concerned with the effects on their property due to a portion of the 1.72 acres being cleared for a new dwelling and causing issues with surface water affecting their homes. Petitioner agreed to minimize the impact by leaving a 25' buffer no cut strip around the perimeter.

Motion by (RC), second by (RA) to close the hearing----all in favor 5-0

Motion by (RC), second by (AW) to grant the variance pursuant to the legal ad, plan submitted and testimony given. all in favor-. Motion granted.

---

#### **Hearing #11 &12.....2 Old Elm Street (Special Permit and Variance)**

Jeremiar Breen --by Matthew S. Hamor for Landplex, LLC -- requesting a (#11) Special Permit and Variance (#12) to convert an existing structure into a museum with observation deck, entrance vestibule and a foot bridge to parking area. A Variance to reduce the number of parking spaces by 50% required. These hearings were discussed as one and voted on separately.

Representatives from the Middlesex Canal Commission described the future operation of the museum.

The reduction of parking spaces is requested as the amount of spaces will be increased when the property is fully developed in the future.

Drawings were presented to the board and are made part of this decision.

There was no opposition to this proposal.

Motion by (RC), second by (RA) to close the hearing----all in favor 5-0

Motion by (RC), second by (AW) to grant the variance and special permit pursuant to the legal ad, plan submitted, and testimony given. all in favor-. Motion granted.

Anupam S. Wali, Secretary

