



# TOWN OF BILLERICA

## BOARD OF APPEAL

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Minutes pertaining to the Board of Appeal Meeting held on Wednesday, SEPTEMBER 12, 2018 in the Maurice Buck Auditorium, Town Hall, 365 Boston Road, Billerica, MA.

Members Present: Doris M. Pearson, Chairman; Anupam S. Wali, Secretary; Salvatore A. Dampolo and Robert B. Accomando 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.

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HEARING #1 ELLEN J. KILLAM, TRUSTEE OF ELLEN J. KILLAM 2017 TRUST

LOCUS: 23 BROADLEAF STREET (PLATE 24 PARCEL 79-0)

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

Ellen J. Killam appeared before the Board of Appeal requesting a VARIANCE pursuant to Section 7 (Dimensional Table) of the Zoning By-law to rebuild an existing deck with an enclosed deck onto her house located in a Rural Residence Zone.

Ellen explained the existing deck on her house that has been there for at least 30 years is in disrepair. She would like to build the enclosed deck, as a three season deck, to enjoy for a longer period of time throughout the year.

Mr. Colantuoni asked, if this is going to be a screened in porch?

Ms. Killam responded yes.

Mrs. Pearson said it appears that you are increasing the size of the porch.

Ms. Killam responded yes.

Mr. Wali said you are building the new deck that will improve your property.

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 her request for a Variance pursuant to the legal ad, plan submitted and testimony given, second by Anupam S. Wali. All in favor. Motion granted.

**HEARING #2      JOSEPH M. ARRIA, MARIA P. ARRIA AND CONCETTO ARRIA**

**LOCUS:            26 SCHOOLHOUSE LANE (PLAGE 88 PARCEL 249-0)**

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

**Joseph Arria appeared before the Board of Appeal requesting a SPECIAL PERMIT pursuant to Section 5.C.1.i.(2) (c) of the Zoning By-law to allow the petitioners to build a two-car garage, with an in-law apartment above the garage, onto their house located in a Neighborhood Residence Zone.**

**Joseph, Jennifer Arria and their children live in the main house. Jennifer's parents will live in the in-law apartment. The in-law apartment will not exceed the 800 square foot requirement. There is sufficient parking area in their driveway for all residential vehicles.**

**Mr. Wali asked, if they are planning to build a two-car garage too?**

**Mr. Arria replied they plan to build a two-car garage with the in-law apartment above the garage.**

**Mr. Colantuoni said this request meets the zoning requirements for a Special Permit.**

**Karl Boesen, 3 Bowman Road, Billerica, MA asked to view the plan as she is concerned with it being close to her property. They have a big garage on their land now and she is concerned with the height and size of the garage.**

**Richard A. Colantuoni made a motion to close the hearing, second by Robert Accomando. All in favor. Motion granted.**

**Richard A. Colantuoni 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.**

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**HEARING #3      DAMASUS NOEL DEFREITAS**

**LOCUS:            27 WILSON STRET (PLATE 15 PARCEL 220-2)**

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

**Damasus Noel DeFreitas appeared before the Board of Appeal requesting a VARIANCE pursuant 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 a deck onto the existing house located in a Village Residence Zone.**

**DeFreitas cont'd:**

Mr. Accomando said the deck looks pretty good to me.

Mr. Colantuoni asked, if he has a grill?

Mr. DeFreitas said yes and looks forward to using it on his new deck.

Mr. Dampolo said he has no problem with this request. Enjoy!

Mr. Wali said you should have enough times to enjoy your deck all year long.

Richard A. Colantuoni 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 petitioners a Variance pursuant to the legal ad, plan submitted and testimony given, second by Anupam s. Wali. All in favor. Motion granted.

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HEARING #4           ALEC BELANGER AND KATIE BARRET  
                              FOR ALEC BELANGER AND KATIE BELANGER

LOCUS:                9 NOLTE ROAD (PLATGE 40 PAR EL 270-0)

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

Alec and Katie Belanger appeared before the Board of Appeal requesting a VARIANCE pursuant to Section 7.L (Dimensional Table) of the Zoning By-law to build an in-ground pool , with a patio around the pool, on their land in a Village Residence Zone.

They would like to build a 36 foot by 16 foot in-ground pool on their land, with the patio around the pool. The Variance is required due to the retaining wall and fence setback requirements.

Mr. Colantuoni asked, if he is installing a concrete in-ground pool?

Mr. Belanger responded yes

Mr. Colantuoni asked, if they have a grill?

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

**Belanger cont'd:**

Richard A. Colantuoni 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.

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**HEARING # 5            JAMES F. MCGONDEL AND SHERI A. MCGONDEL**

**LOCUS:                    4 MYSTIC WAY (PLATE 67 PARCLE 15-0)**

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

James F. and Sheri A. McGondel appeared before the Board of Appeal for a VARIANCE pursuant to Section of the Zoning By-law to allow the petitioners to build a second floor addition and a farmer's porch onto his house located in a Village Residence Zone

They would like to build a second floor addition for additional living space for their family and the farmer's porch for their enjoyment. The Variance is required as the farmer's porch and the cantilever encroach on the setback requirements.

Mrs. Pearson asked, what is your reason for the setback Variance?

Mr. McGondel replied the house itself does not meet the setback requirements.

Mr. Wali said you have a small house and it appears you meet the hardship requirements.

Mr. Colantuoni they appear to have a slight problem with the plan for the farmer's porch setback requirement.

Salvatore A. Dampolo made a motion to close the hearing, second by Richard A. Colantuoni, second by Richard A. Colantuoni. 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.

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**HEARING # 6            JOHN J. SIANO AND AMAMDA J. SIANO  
BY NICK COUTURE, CROSSROADS CONTRACTING  
LONDONDERRY, NH**

**LOCUS:                    13 ADAMS STREET (PLATE 94 PARCEL 68-0)**

**Siano cont'd:**

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

**Nick Couture, representing the petitioners, appeared before the Board of Appeal for a SPECIAL PERMIT pursuant to Section pursuant to Sections 5.C.1.i.(2)(c) (In-Law Apartment), 5.C.2 (Neighborhood Residence Zone) and 5.C.3 (Rural Residence Zone) of the Zoning By-law to build an in-law apartment addition onto their house located in a Neighborhood Residence Zone and Rural Residence Zone.**

**Nick explained that John and Amanda Siano live in the existing house. Amanda's mother will live in the in-law apartment. The in-law apartment will not exceed the 800 square foot requirement. There is sufficient parking area in their driveway for all residential vehicles.**

**Mrs. Pearson asked, what is the size of the in-law apartment addition and is it on one level?**

**Mr. Siano replied 768 square feet and it is on the second floor.**

**Mrs. Pearson asked, if they are making any changes to the driveway**

**Mr. Siano replied they are adding a garage and redoing the driveway too.**

**Mr. Colantuoni said this request meets the in-law apartment requirements. Good job.**

**Richard A. Colantuoni 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.**

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**HEARING #7           SYNO TELL, LLC  
7 FRANKLIN STREET, BILLERICA, MA**

**LOCUS:               8 GLENWOOD ROAD (PLATGE 49 PARCEL 301-0)**

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

**Syno Tell 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 raze and rebuild his hosue on land located in a Village Residence Zone.**

Syno Tell cont'd:

He would like to tear down the existing house that is in disrepair and build a new two story house with a garage under the house on this land. The new house will surely enhance the neighborhood. The Variance is needed from the setback requirements.

Mrs. Pearson asked, how tall is the proposed house?

Mr. Tell showed the board a picture of the proposed 35 foot high single family house.

Mr. Dampolo asked, if he is going to build the house and live in the house?

Mr. Tell said he is going to build it and sell it. The house is 28 feet by 34 feet with 16 feet by eight feet room in the back of the house. The slope of the land is 25 feet.

Soon Lee, 6 Glenwood Road, said he bought his house in 2006. There is an easement on my land for the previous house owner at 8 Glenwood Road's driveway. Now that Syno Tell is building a new house with a driveway he would like to have the easement removed.

Mr. Tell said he will not be using the easement for his new house.

Mr. Colantuoni said he is concerned with the size of the proposed house on this parcel of land. He suggested the house be built at a 122 elevation to the peak of the ridge. He suggested this hearing be continued to the October 17, 2018 meeting at 6:45 to allow the petitioner time to make changes, if necessary, to his proposed plan.

The Board of Appeal members and the petitioner Syno Tell agreed to the continuance.

Richard A. Colantuoni made a motion to continue this Variance hearing to November 17, 2018 at 6:45 P.M., second by Anupam S. Wali. All in favor. Motion granted.

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HEARING #8            NEW CADARO REALTY TRUST (FORTUNATO AND ROSALBA SALVUCCI FOR GRIMCO, INC.) BY JAMES T. DANGORA, JR. ESQ. OF SHEA, DANGORA AND NELSON

LOCUS:                3 ENTERPRISE ROAD (PLATE 106 PARCEL 335-2)

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

Attorney James T. Dangora, Jr., representing the petitioners, appeared before the Board of Appeal requesting a SPECIAL PERMIT pursuant to Section 5.F (Table of Uses) and 5.C.8.f(2)(d) (Wholesale Use) of the Zoning By-law to permit wholesale sales of signs and sign supplies in a building located in an Industrial Zone.

**Grimco cont'd:**

Grimco, Inc. is a wholesale sign sales and supply company. Grimco, Inc. seeks to merge and locate its regional Lowell and Woburn sales operation to Billerica. They intend to occupy approximately 18,000 square feet of empty space at 3 Enterprise Road. In order to permit the uses requested, a Special Permit is required.

Mrs. Pearson said she is happy they are planning to relocate their company to Billerica. Is there going to be any outside storage on this property?

Atty. Dangora replied no.

Mr. Wali said this is mainly a graphic operation.

Atty. Dangora said they are in the wholesale business. This is just for raw materials.

Mr. Wali said this will be a good space for their business operations.

Mr. Dampolo said this business location and use is great for the town.

Mr. Colantuoni agreed the Special Permit request is great for their business and the town.

Mr. Accomando said he is all for this business wanting to come to our town.

Salvatore A. Dampolo 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 petitioner a Special Permit, as per legal ad, plan submitted and testimony given, second by Robert A. Accomando. All in favor. Motion granted.

HEARING #9            CHERYL A. WESINGER

LOCUS:                31 PINEHURST AVENUE (PLATGE 99 PARCEL 311)

Cheryl Wesinger and her son Andrew appeared before the Board of Appeal requesting a SPECIAL PERMIT pursuant to Section 10.C.2 (Alteration, Reconstruction, Extensino or Structural Change to a Single or Two Family Dwelling) of the Zoning By-law to build a second floor addition onto her house located in a Village Residence Zone.

Cheryl would like to build the second floor addition onto her house for her growing family. The addition will include a living room, two bedrooms and one bathroom. There will not be a kitchen included in the second floor addition. In order to build the addition, the Special Permit is required from the zoning requirements.

Wesinger cont'd:

Mrs. Pearson asked, if the second floor addition is for your family's living space and not for an in-law apartment?

Mrs. Wesinger replied for her family only and not an in-law apartment.

Mr. Accomando asked, what rooms will the second floor addition include?

Mrs. Wesinger replied there to four bedroom and two bathrooms.

Mr. Wali commended them on their plans to build the addition for their family.

Mr. Dampolo said this Special Permit request sounds very good.

Mr. Colantuoni asked, if they grew up in that house?

Ms. Wesinger said they grew up close to this area.

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 petitioner a Special Permit pursuant to the legal ad, testimony given and plans submitted, second by Anupam S. Wali. All in favor. Motion granted.

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HEARING #10      MICHAEL A. CUPP AND DEBRA J. CUPP, TRUSTEES  
                                 OF THE CUPP FAMILY TRUST

LOCUS:              24 TOWER FARM ROAD (PLAE 61 PARCEL 160-0)

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

Michael and Debra Cupp appeared before the Board of Appeal requesting a VARIANCE pursuant to Section 7 (Dimensional Regulations) of the Zoning By-Law to build a breezeway and a two-car garage onto their house located in a Neighborhood Residence Zone.

Michael explained they would like to build a breezeway and a two-car garage onto their house. The breezeway will be eight (8) feet by 16 feet and the garage will be 27 feet by 40 feet.



**Cupp cont'd:**

The Board of Appeal members reviewed the proposed plans for the breezeway and garage and agreed it would not be a detriment to the abutters and the neighborhood.

Richard A. Colantuoni 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 a Variance pursuant to the legal ad, plan submitted and testimony given, second by Richard A. Colantuoni. All in favor. Motion granted.

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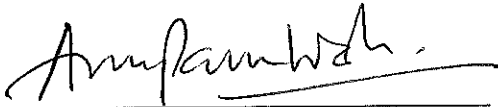
**OTHER BUSINESS - BOARD OF APPEAL MEETING - September 12, 2018**

Anupam S. Wali made a motion to accept the minutes of the Board of Appeal meeting on May 16, 2018, June 20, 2018 and July 18, 2018, second by Doris M. Pearson. All in favor. Motion granted.

Anupam S. Wali made a motion to adjourn the September 12, 2018 Board of Appeal meeting at 10: P.M., second by Doris M. Pearson. All in favor. Motion granted.

Next meeting: October 17, 2018

Respectfully submitted,



Anupam S. Wali, Secretary