

# TOWN OF BILLERICA

Zoning Board of Appeal  
365 Boston Road  
Billerica, Massachusetts 01862  
Telephone: 978-671-0964

Minutes pertaining to the Board of Appeal Meeting held on Wednesday, January 8, 2020 in the Thomas Conway Hearing Room, Town Hall, 365 Boston Road, Billerica, MA.

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

Chairman Doris M. Pearson opened the Board of Appeal meeting at 7:04 PM. Chairman Pearson read the notice of each petition prior to its hearing and swore in those wishing to speak on each petition.

---

**Hearing #1: Paul & Antoinette Caputo  
By William Foster**

Locus: 12 Stafford Lane (Plate 35 Parcel 184)

Members sitting on this hearing: Doris M. Pearson, Chairman, Richard A. Colantuoni, Vice-Chairman; Anupam S. Wali, Secretary, Sal Dampolo, and Eric Anable.

William Foster, on behalf of Paul and Antoinette Caputo, appeared before the Board of Appeals requesting a variance pursuant to Section 7.L (Dimensional Table) of the Zoning By-Law to reduce the front yard setback to construct an addition located at 12 Stafford Lane, shown on the Assessor's Map as Plate 35 Parcel 184 located in a Rural Residence.

Bill Foster explained the petitioners are looking to add an addition onto the left side of their house that will be used as an in-law apartment. The addition will consist of a garage underneath with a living room, kitchen, bathroom, and a common set of stairs with the main house. Mr. Caputo Sr. recently lost his wife a few years ago and would like to move in with his son.

Originally, the petitioners looked into putting the addition on the rear of the house but it would cut into the pool area. They would then need retaining walls and another curb cut to access the addition. Also, it would ruin the landscaping. Recently, a lot of trees have fallen in the back and they don't want to safety to be an issue.

The proposed addition is 23 feet front the front lot line which is driving the need for a variance. The addition is necessary for this location due to the existing chimney. Their goal is to make it look like an addition, not an in-law apartment.

There were no abutters present.

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

Anupam Wali made a motion to grant the petitioner a variance pursuant to the legal ad, plan submitted and testimony given, second by Sal Dampolo. All in favor. Motion granted.

---

**Hearing #2: Paul & Antoinette Caputo**  
**By William Foster**

Locus: 12 Stafford Lane (Plate 35 Parcel 184)

Members sitting on this hearing: Doris M. Pearson, Chairman, Richard A. Colantuoni, Vice-Chairman; Anupam S. Wali, Secretary, Sal Dampolo, and Eric Anable.

William Foster, on behalf of Paul and Antoinette Caputo, appeared before the Board of Appeals requesting a special permit pursuant to Section 5.C.3 of the Zoning By-Law to reduce the front yard setback to construct an in-law apartment located at 12 Stafford Lane, shown on the Assessor's Map as Plate 35 Parcel 184 located in a Rural Residence.

Bill Foster explained the petitioners are looking to add an addition onto the left side of their house to that will be used as an in-law apartment. The addition will consist of a garage underneath with a living room, kitchen, bathroom, and a common set of stairs with the main house. Mr. Caputo Sr. recently lost his wife a few years ago and would like to move in with his son.

Originally, the petitioners looked into putting the addition on the rear of the house but it would cut into the pool area. They would then need retaining walls and another curb cut to access the addition. Also, it would ruin the landscaping. Recently, a lot of trees have fallen in the back and they don't want to safety to be an issue.

The proposed addition is 23 feet front the side yard lot line. The addition is necessary for this location due to the existing chimney. Their goal is to make it look like an addition, not an in-law apartment.

There were no abutters present.

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

Sal Dampolo made a motion to grant the petitioner a special permit pursuant to the legal ad, plan submitted and testimony given, second by Anupam Wali. All in favor. Motion granted.

---

**Hearing #3: Edward O'Mahony**  
**By James T. Dangora, Jr., Esq.**

Locus: 8 Tamarak Street (Plate 17 Parcel 25-1)

Members sitting on this hearing: Doris M. Pearson, Chairman, Richard A. Colantuoni, Vice-Chairman; Anupam S. Wali, Secretary, Sal Dampolo, and Eric Anable.

Attorney James T. Dangora, Jr., on behalf of his client Edward O'Mahony appeared before the Board of Appeals requesting a variance pursuant to Section 7 (Dimensional Table) and Section 7.L (Dimensional Table) of the Zoning By-Law to divide the premises and create a new buildable lot located at 8 Tamarak Street, shown on the Assessor's Map as Plate 17 Parcel 25-1 located in a Rural Residence.

Attorney Dangora, Jr. explained the petitioner, Ed O'Mahony, was present along with his son, Ed, and daughter, Meghan. Ed currently owns the property and would like to divide the uniquely shaped property pursuant to the plans submitted. One lot will have 100 feet of frontage and will be 15,000 square feet and the other lot will also have 100 feet of frontage with 10,000 square feet.

Ed's mother and father bought the property 25 years ago with the intent of keeping it in the family for the family's use. Ed and his sister were owners of the property but his sister has since passed away. Now, Ed would like to build a home for his son who currently has a 19 month old and another on the way. Ed's son currently lives in the Rio Vista area. He would like to designate the 15,000 square foot lot to his son.

Ed's daughter, Meghan, has an 11 month old and currently lives in a town house. She would like to raise her family in a single family lot. Ed has designated the 10,000 square foot lot to her.

Ed's father actually put the road in many many years ago and built the house across the street from this property – 5 Tamarak Street.

Both lots will be serviced by town water and town sewer. The handout given at the hearing shows the lots will be similar in size to many lots in the neighborhood.

Attorney Dangora explained up until 1999, this land was actually taxed as 3 parcels. In 1999, it was merged into one.

The plan is to leave the 5,000 square feet on Tomahawk Drive undeveloped and untouched.

Three letters from individuals on the certified abutters list who couldn't make it to the hearing were received and entered in as part of the record. John Luce of 187 Pond Street, Fred & Jean Bokuniewicz of 11 Tomahawk Drive, and Donna & Salvatore Imbornone of 5 Tomahawk Drive were all in support of granting the proposed variance.

Doris Pearson asked what the addresses of both of the houses will be. Attorney Dangora, Jr. confirmed they will both be on Tamarak Street.

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

Richard Colantuoni made a motion to grant the petitioner a variance pursuant to the legal ad, plan submitted and testimony given, second by Anupam Wali. All in favor. Motion granted.

---

**Hearing #4: WZN, LLC**  
**By Christopher E. Coleman, Esq.**

Locus: 265 Boston Road (Plate 31 Parcel 4-6)

Members sitting on this hearing: Doris M. Pearson, Chairman, Richard A. Colantuoni, Vice-Chairman; Anupam S. Wali, Secretary, Sal Dampolo, and Eric Anable.

Attorney Christopher E. Coleman, on behalf of WZN, LLC, appeared before the Board of Appeals requesting a transfer of ownership on a previously granted Special Permit located at 265 Boston Road, shown on the Assessor's Map as Plate 31 Parcel 4-6 located in a General Business Zone.

Attorney Chris Coleman explained the applicants are looking to transfer the existing special permit that was issued on January 16, 2013 to Julian Zhao and Jian Li for Fucheng Catering (USA) Co. Ltd. by George M. Medeiros, Esq., Milik & Medeiros to the petitioners, WZN, LLC.

Attorney Coleman explained nothing was changing – the hours, name, seating capacity is remaining as is. There will be no alterations and the new owners will comply with all the special conditions set in 2013. Currently, there are 90 seats and 34 parking spots.

Sal Dampolo asked who the new owners are. There will be three owners- one of them is actually the current owner.

Doris Pearson confirmed that everything that was previously granted will be made part of this file.

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

Sal Dampolo made a motion to grant the petitioner a special permit transfer of ownership, second by Anupam Wali. All in favor. Motion granted.

---

**Hearing #5: JPSN Realty Trust & Gary & Evelyn Maureillo  
By Stephen J. Lentine, Esq.**

Locus: 8 Chesterfield Avenue (Plate 99 Parcel 355)

Members sitting on this hearing: Doris M. Pearson, Chairman, Richard A. Colantuoni, Vice-Chairman; Anupam S. Wali, Secretary, Sal Dampolo, and Eric Anable.

Attorney Stephen J. Lentine explained, on behalf of JPSN Realty Trust & Gary & Evelyn Maureillo, appeared before the Board of Appeals requesting a variance pursuant to Section 7.B.4 (Lot Split), Section 7.D (Yards), Section 7.L (Dimensional Table, Frontage and Setbacks) and to otherwise make the premises conforming in all respects under Section 7) of the Zoning By-Law to subdivide the premises into two legally buildable single family home lots located at 8 Chesterfield Avenue, shown on the Assessor's Map as Plate 99 Parcel 355 located in a Village Residence.

Attorney Lentine explained Joe Shaw, the petitioner, has this property under agreement subject to him getting the necessary permits to divide the lot and build a new single family structure on the newly created lot. Part of this agreement is Joe will rehab the existing house as well as build the new house.

Attorney Lentine explained most of the lots in the area are 5,000 square feet- this new lot will be 22,000 square feet. There was a rendering submitted showing what style house Joe intends to build- a split cape.

This is a corner lot so it will have frontage on Allendale Ave. The setbacks shown on the plan are minimal. Attorney Lentine asked if the variance gets granted, it is not granted per the plans submitted but with a side yard setback between 7.5 and 15 feet and a front yard setback between 20 and 22 feet.

The lot's characteristics make a uniquely shaped lot, creating a hardship for the current owners. The rear area is not attractive; the granting of this variance will improve the rest of the neighborhood. Town water and town sewer are available in the area.

There were no questions from the board and there were no abutters present.

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

Sal Dampolo made a motion to grant the petitioner a variance pursuant to the legal ad, plan submitted and testimony given, second by Anupam Wali. All in favor. Motion granted.

---

**Hearing #6: Middlesex Canal Association  
By J. Jeremiah Breen, Pres.**

Locus: 2 Old Elm Street (Plate 10 Parcel 231-2)

Members sitting on this hearing: Doris M. Pearson, Chairman, Richard A. Colantuoni, Vice-Chairman; Anupam S. Wali, Secretary, Sal Dampolo, and Eric Anable.

Middlesex Canal Association by J. Jeremiah Breen, Pres. appeared before the Board of Appeals requesting a special permit pursuant to Section 5.B.5 (Regulations of Uses) and Section 8.D (Parking Regulations) of the Zoning By-Law to convert the existing structure into a museum, add an observation deck, entrance vestibule and a foot bridge that crosses the existing canal to a designated parking area located at 2 Old Elm Street, shown on the Assessor's Map as Plate 10 Parcel 231-2 located in a Village Residence Zone, Historic District, Mill Conversions, and Reuse Districts.

Matt Hamor from LandPlex, LLC explained on behalf of Middlesex Canal Association, they are requesting the permits originally issued by this board be re-issued. The timeline to record the original decisions has lapsed due to miscommunication on the petitioners end and the documents were never certified by the Town Clerk or recorded at the Lowell Registry of Deeds.

The project has stated based on the permits that were issued by the building department to rehab the building itself but they need the special permit and the variance to be re-issued so they can be recorded. Mark LaLumiere, the Building Commissioner, suggested the best way to go about this would be to notify all the abutters and advertise the petition again.

The biggest hurdle was with the Conservation Commission and the Board of Health and they passed those.

Eric Anable thinks everyone is excited this project is being started. If everything goes right, do you have a timeline? Mr. Hamor stated probably by the end of summer. The foot bridge to be put over the canal itself sounds like a lot of work but it's actually pre-fabricated.

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

Sal Dampolo made a motion to grant the petitioner a special permit pursuant to the legal ad, plan submitted and testimony given, second by Anupam Wali. All in favor. Motion granted.

---

**Hearing #7: Middlesex Canal Association**  
**By J. Jeremiah Breen, Pres.**

Locus: 2 Old Elm Street (Plate 10 Parcel 231-2)

Members sitting on this hearing: Doris M. Pearson, Chairman, Richard A. Colantuoni, Vice-Chairman; Anupam S. Wali, Secretary, Sal Dampolo, and Eric Anable.

Middlesex Canal Association by J. Jeremiah Breen, Pres. appeared before the Board of Appeals requesting a variance pursuant to Section 7.L of the Zoning By-Law to convert the existing structure into a museum, add an observation deck, entrance vestibule and a foot bridge that crosses the existing canal to a designated parking area located at 2 Old Elm Street, shown on the Assessor's Map as Plate 10 Parcel 231-2 located in a Village Residence Zone, Historic District, Mill Conversions, and Reuse Districts.

Matt Hamor from LandPlex, LLC explained on behalf of Middlesex Canal Association, they are requesting the permits originally issued by this board be re-issued. The timeline to record the original decisions has lapsed due to miscommunication on the petitioners end and the documents were never certified by the Town Clerk or recorded at the Lowell Registry of Deeds.

The project has stated based on the permits that were issued by the building department to rehab the building itself but they need the special permit and the variance to be re-issued so they can be recorded. Mark LaLumiere, the Building Commissioner, suggested the best way to go about this would be to notify all the abutters and advertise the petition again.

The biggest hurdle was with the Conservation Commission and the Board of Health and they passed those.

Eric Anable thinks everyone is excited this project is being started. If everything goes right, do you have a timeline? Mr. Hamor stated probably by the end of summer. The foot bridge to be put over the canal itself sounds like a lot of work but it's actually pre-fabricated.

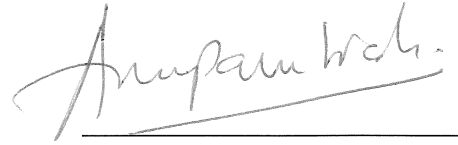
Anupam Wali made a motion to close the hearing, second by Sal Dampolo. All in favor. Motion granted.

Sal Dampolo made a motion to grant the petitioner a variance pursuant to the legal ad, plan submitted and testimony given, second by Anupam Wali. All in favor. Motion granted.

---

**Other Business:**

1. Approve Minutes of the December 18, 2019 Board of Appeals Meeting.
  - Vote 5-0.
  - Minutes Approved.

A handwritten signature in cursive script, reading "Anupam S. Wali", written over a horizontal line.

Anupam S. Wali, Secretary