

# 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, August 21, 2019 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, Salvatore A. Dampolo, Robert B. Accomando, and Eric Anable.

Chairman Doris M. Pearson opened the Board of Appeal meeting at 7:00 PM. 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: Leo G. Tamarro by Stephen J. Lentine, Esq.**

Locus: Gilman Road & Turner Road (Plate 84 Parcels 31-1, 31-2, & 21-0)

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

Attorney Stephen J. Lentine, Esq., on behalf of Leo G. Tamarro, appeared before the Board of Appeals requesting a six month extension on a previously granted variance located at Gilman Road and Turner Road, as shown on the Assessor's Map as Plate 84 Parcels 31-1, 31-2, and 21-0.

Leo G. Tamarro was granted said variance on July 18, 2018 and recorded with the Town Clerk on July 31, 2018.

made a motion to close the hearing. second by . All in favor. Motion granted.

Anupam Wali made a motion to grant the petitioner a six month extension second by Richard Colantuoni. All in favor. Motion granted.

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## **Hearing #2: Laura & Richard Manning**

Locus: 6 Fountain Street (Plate 41 Parcel 112)

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

Laura and Richard Manning appeared before the Board of Appeals requesting a variance pursuant to Section 7.L (Dimensional Table) of the Zoning By-Law for side yard setbacks to construct a garage in a Neighborhood Residence located at 6 Fountain Street, shown on the Assessor's Map as Plate 41 Parcel 112.

Richard Manning explained they would like to build a 24 foot by 48 foot garage to park their cars in as well as to store their snow blower, lawn mower, and other yard tools. They will store their mobile home behind the garage because it is too tall to fit inside. There will be a single driveway that will loop in front of the house. The Manning's were asked to submit a new set of plans showing where the driveway will be.

The garage would be 11 feet from the side yard line instead of the required 15 feet in a Neighborhood Residence.

There were no abutters present.

Anupam Wali made a motion to close the hearing, second by Sal Dampolo. 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.

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**Hearing #3: John Membrino by John J. McKenna, Esq.**

Locus: 8 Marshbrook Road (Plate 81 Parcel 9-2)

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

John J. McKenna, Esq., on behalf of John Membrino, appeared before the Board of Appeals requesting a variance pursuant to Section 7 (Dimensional Regulations) of the Zoning By-Law to divide the land into two lots and build a new single family home on the newly created lot in a Neighborhood Residence District located at 8 Marshbrook Road, shown on the Assessor's Map as Plate 81 Parcel 9-2.

Attorney McKenna explained his client would like to divide the lot into two, keep the existing house, and build a new house on the new lot. Mr. Membrino faces the hardship of maintaining the outside of the existing house including the large wooded area on the side. The new house will conform to all necessary setbacks and will be appropriate for the area it is located in. In addition, the new house will be sold.

The size of the newly created lots will be similar to those in the area, with the exception of some. The area right now it not on sewer. It was put in but it is a dry sewer until it is ready to be connected.

There was serval abutter's present. John Aurilio of 209 Allen Road, Tammy Belanger of 9 Marshbrook, and David Morrison of 210 Allen Road were all for the proposed changes noting it would improve and cleanup the neighborhood. David Morrison noted he would like to see the trees removed.

Cheryl Kelley (751 Welman Ave, Chelmsford) and Patty Membrino, both trustees of 15 Arcadia Road presented concerns they had. First, the required lot size in the area is 40,000 sq. feet; these two lots would be less than half the required amount. Second, the road is very narrow and travel down the road worsens in the winter. Third, they believed taking down the trees would worsen the water issues they have always had due to an underground river bed. Fourth, the house would not be on town sewerage. Fifth, they do not want to see the trees cut down.

Laura and Glenn Plum of 4 Rural Ave also raised concerns of theirs. They mentioned the required lot size of 40,000 sq. feet, cutting down the trees would be a concern for wildlife in the area, and they want their kids to grow up in Billerica the town not a city.

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

Richard Colantuoni noted it looks like all the lots in the area are the same size, other people have cleared their lots and he wants to be fair to everyone. He wants to put a condition in the decision requiring a 25-30 foot buffer or trees. The other board members agreed. Attorney McKenna believe he can keep the trees in the back.

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.

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**Hearing #4: Derek Amato by George M. Medeiros, Esq.**

Locus: 27 MacDougall Street (Plate 82 Parcel 167)

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

George M. Medeiros, Esq., on behalf of Derek Amato, appeared before the Board of Appeals requesting a variance pursuant to Section 7.L (Dimensional Table), Section 7.B.4 (Lot Reduction), and Section 7.B.8 (Circle Test) of the Zoning By-Law to subdivide a parcel of land into two building parcels of land and allow the construction of a new single family dwelling on

each of the newly created parcels of land in a Rural Residence District located at 27 MacDougall Street, shown on the Assessor's Map as Plate 82 Parcel 167.

Attorney Medeiros explained Derek Amato would like to divide the lot into two, tear down the existing dwell, and build two new houses on each of the new parcels of land. Derek would like his mother-in-law to live in one house and his family live in the other.

Derek's hardship is the current house old and falling apart. He has done extensive renovations inside but the outside presents many challenges. If Derek were to sell the house in order to move closer to his mother in law, he would have to disclose in the sale everything that is wrong with it; therefore, turning away most potential buyers.

Doris wanted to ensure the two new houses will be appropriate for the neighborhood and will fit in with the rest of the houses in the area.

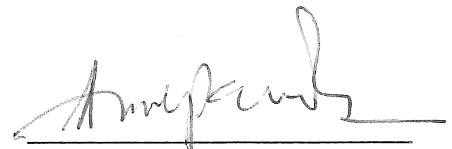
Sal Dampolo made a motion to close the hearing, second by Robert Accomando. All in favor. Motion granted.

Robert Accomando 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.

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Other Business:

1. Approve Minutes of the July 17 2019 Board of Appeal Meeting
  - Vote 5-0. Minutes approved.
2. Vote on approving the release of funds to abutters of the Alpine Project
  - Vote 5-0. Release of funds approved.
3. Vote on adopting policy to require only the Chairman to sign off on any and all future decisions.
  - Vote 0-5. Change of policy denied.



Anupam S. Wali, Secretary