

divide land into 2 lots

3/14/22

plate 75  
Parcel 4-2  
Rural Resident

STREET NAME 430-Treble Cove Road

**Form B-2  
APPLICATION FOR APPROVAL OF A PLAN  
(Pursuant to MGLC 41, section 81 U 7)**

Billerica, MA Feb 2, 2022

To The Planning Board:

The undersigned herewith submits the accompanying Street Construction Plan or Plan of Land in Billerica for approval as a "subdivision" under the requirements of the Subdivision Control Law and the Planning Board's Rules and Regulations governing the Subdivision of Land in the Town of Billerica. The original and 18 contact prints are enclosed herewith. I also request any waivers required by the plan as submitted.

RECEIVED  
2022 FEB 11 AM 11:17  
TOWN CLERK  
BILLERICA

- Name of Subdivider Charles Gordon  
Address Tomahawk Dr Tewksbury MA Phone # \_\_\_\_\_
- Name of Engineer or Surveyor Dresser Williams & Way Inc.  
Address 572 Boston Rd-5 Billerica MA Phone # (978) 663-5410
- Deed of Property recorded in North Middlesex Registry  
Book 12311 Page 198

4. Location and Description of Property:  
Property is located on the southerly side of Treble Cove Rd and is shown on Town of Billerica Assessors' Map 75 as parcel 4-2

5. If a bond or security is filed, the construction of ways and installation of municipal services will be completed within two years.  
Applicant  
Stanley B. Fone, Jr. and Patricia A. Wayman-Fone  
Signature of Owner

Print Name John J. McKenna, Esq.  
Address 572 Boston Road Suite 6  
Billerica MA 01821  
978 663-2170

Received  
FEB 11 2021  
Billerica Planning Board

## B2 CHECK LIST

- Original in India Ink - Mylar Copy
- JM B2 Application (original and 3 copies)
- 12 full copies of plans and 8 reduced size sets. **All sets shall be assembled, stapled and folded.**
- A plan of the entire parcel of land from which the subdivision is being made if applicable.
- JM \$250 The B2 fee of \$125/ per lot to the Town of Billerica.
- Identification of the Plan by name of owner of record; location of land in question and if different, the name of the applicant.
- JM Written notice of any decision by the Board of Appeal including but not limited to variance and special permits regarding the land or any building thereon, and a copy of plans for above decision.
- Distance to nearest public or private intersection, or to any other monuments within that dimension.
- Locus Plan.
- JM Letter from Town Clerk stating status of applicable roadways
- JM Abutters list of all direct abutters to the subject property and to the road to be constructed if applicable
- Aerial photographs of the site and the adjacent area.
- In cases where the plan acts to subdivide property the following:**
- Dimension and direction of all boundary lines shall be shown in accordance with 250 CMR 6.01
- Areas of all proposed lots, with said lots designated numerically and in sequence
- Dimension and direction of existing and proposed easements and their purposes
- Covenants or restrictions applying to the land and their purposes, whether they are in the subdivision, public or common area, or outside the subdivision
- Existing and proposed permanent monuments
- Location of ways, name and present width of streets bounding, approaching the site
- Endorsement by a registered professional land surveyor
- Names and location of all abutters
- The zoning classification of the land that contains the property, if applicable, the location of any zoning boundary lines that lie within the area
- The entirety of the parcel having its boundaries changed must be shown or specifically waived by the board.
- Location of existing buildings on the parcel and their distance to the nearest property line

- Lot summaries for each lot, all easements and roadways
- All abandoned roads, railroads, easements, and rights-of-way including the Middlesex Canal: whether previously of record or not.
- A note per the requirements of Section 6 H. herein.
- Plans that create or change existing lines of ownership and which show existing structures on the \_\_\_\_\_ property, shall depict on the plan a minimum of two land survey physical monuments set in a \_\_\_\_\_ manner providing a degree of permanency consistent with the terrain and physical features.

**In cases where plans show the construction of a roadway the following:**

- \_\_\_\_\_ The plan view to show street or way dimensions, bearings, curve lengths, radii, center line stationing to readily determine the location, direction, length and width of each street, way and easement so that they can be established on the ground, proposed bound locations, lot numbers, sidewalks, curbing and a typical cross section.
- \_\_\_\_\_ Drainage calculations and proposed drainage improvements in all cases where the roadway will provide access to two or more proposed building lots. The board reserves the right to require this on a case by case basis.
- \_\_\_\_\_ Benchmark elevations are to be based upon NGVD 1929
- \_\_\_\_\_ All existing and proposed overhead and underground utilities. Sewer and drain lines will be shown on both plan and profile. Show structure inverts, rim elevations, station numbers, sizes and slopes of pipes.
- \_\_\_\_\_ The material type for existing and proposed storm drains, water mains and sewers shall be given and shall conform to the material specifications of these Rules and Regulations unless waived by the Planning Board
- \_\_\_\_\_ Show curbing in plan, identifying type of curbing and radius
- \_\_\_\_\_ The existing ground profile along the proposed centerline and both sidelines of the right of way. (Different dashed line symbols will designate one from another)
- \_\_\_\_\_ The proposed centerline profile showing gradients and vertical curves, including labels indicating length, K-value and design safe sight stopping distance
- \_\_\_\_\_ Existing and proposed centerline grades on 50 foot stations (25 foot stations on vertical curves) centerline grades of low points for sag curves and high points for crest curves
- \_\_\_\_\_ Road stations shown on both plan and profile
- \_\_\_\_\_ Lot numbers and sideline extensions in plan
- \_\_\_\_\_ All buildings, walks, drives and other existing site features within one hundred (100) feet (either side) of the street centerline
- \_\_\_\_\_ Certification by a registered professional civil engineer
- \_\_\_\_\_ Existing and proposed contours are to be shown

# Middlesex North Registry of Deeds

## Electronically Recorded Document

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### Recording Information

Document Number	: 5309
Document Type	: DECIS
Recorded Date	: February 02, 2022
Recorded Time	: 11:35:06 AM
Recorded Book and Page	: 36783 / 39
Number of Pages(including cover sheet)	: 5
Receipt Number	: 969394
Recording Fee	: \$105.00

**Middlesex North Registry of Deeds**  
**Richard P. Howe Jr., Register**  
360 Gorham Street  
Lowell, Massachusetts 01852  
978/322-9000  
[www.lowelldeeds.com](http://www.lowelldeeds.com)

THE COMMONWEALTH OF MASSACHUSETTS

BILLERICA

City or Town

BOARD OF APPEALS

Date: October 20, 2021

RECEIVED  
2021 OCT 29 A 8:34  
BILLERICA, MA

Certificate of Granting of Variance or Special Permit  
(General Laws Chapter 40A, Section 11)

The Board of Appeals of the City or Town of Billerica hereby certifies that a Variance or Special Permit has been granted.

To STANLEY B. FONE, JR. & PATRICIA A. WAYMAN-FONE  
BY JOHN J. McKENNA, ESQ.

Address 430 TREBLE COVE ROAD

City or Town BILLERICA, MA 01821

affecting the rights of the owner with respect to land of buildings at 430 TREBLE COVE ROAD, Billerica, MA, Plate 75 Parcel 4-2 and recorded in M.N.D.R. of D's Book 12311 Page 198 .

And the said Board of Appeals further certifies that the decision attached hereto is a true and correct copy of its decision granting said variance – special permit, and that copies of said decision, and of all plans referred to in the decision, have been filed with the planning board and the city or town clerk.

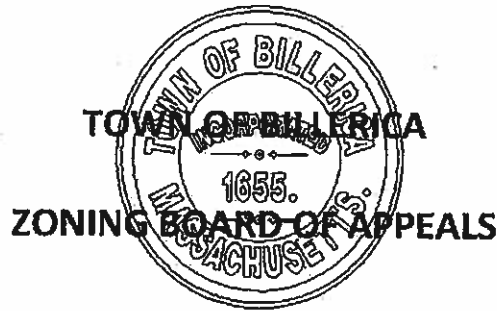
The Board of Appeals also calls to the attention of the owner or applicant that General Laws, Chapter 40A, Section 11 (last paragraph) provides that no variance or special permit, or any extension, modification or renewal thereof, shall take effect until a copy of the decision bearing the certification of the town or city clerk that twenty days have elapsed after the decision has been filed in the office of the city or town clerk and no appeal has been filed or that, if such appeal has been filed, that it has been dismissed or denied, is recorded in the registry of deeds for the county and district in which the land is located and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title. The fee for such recording or registering shall be paid by the owner or applicant.

*Ampanudo*

Chairman

*John J. McKenna*

Vice-Chairman



RECEIVED  
2021 OCT 29 A 8:33  
BILLERICA

**CASE # 2021-58 430 Treble Cove Rd. Variance Granted**

**DATE: October 20, 2021**

**Applicant: Stanley B. Fone, Jr. & Patricia A. Wayman-Fone  
By John J. McKenna, Esq.**

**Locus: 430 Treble Cove Road  
Assessor's Map: Plate 75 Parcel 4-2**

A public hearing was held on October 20, 2021 via Remote Participation on ZOOM at 7:17 PM PM, for a Variance under Section 7 and 7.K (Dimensional Table) of the Zoning By-Law to divide the parcel of land into two lots in a Rural Residence Zone.

Notice of this hearing was advertised in the Billerica Minuteman on September 30, 2021 and October 7, 2021. Notice of this hearing was also posted at the Town Hall and sent to the applicant and all abutters located within 300 feet of the property.

The following members were present and voting on this petition: Anupam S. Wali, Richard Colantuoni, Robert Accomando, Michael Parker, and Sal Dampolo.

At the hearing, Attorney McKenna explained that the property is in disrepair and needs upgrades. He further stated that the family fosters children through the state and need to sell the home and move to affordable housing. The family has the support of the abutters to demolish the existing house, rebuild and divide the lot.

Board member Bob Accomando stated he received a call from Patricia Robbins, 917 Maple Street, Bedford, MA with concerns regarding runoff due to the slope of the property. The property sits next to the town lines. Board member Mike Parker also expressed the same concern. Board member Anupam Wali commented that the project would more than likely require some degree of review from the Board of Health for storm water runoff, and possibly the Conservation Department as well. Attorney McKenna stated that the Board could make it a condition to address the surface runoff and drainage issues with the development of the property.

**Billerica Zoning Board of Appeals  
365 Boston Road, Billerica, Massachusetts – 01821  
Telephone (978) 671-0964**

Patricia Fone, the applicant, was present and stated that the water drainage flows away from 430 Treble Cove Road.

There were no abutter's present at the hearing.

The Board of Appeals voted 5-0 to Grant the Variance requested.

**VARIANCE CONDITIONS:**

- 1. The relief granted by this Variance is confined to: (1) scope of the advertisement of the public hearing, (2) specific exceptions to the Zoning By-Law identified in this decision and only to the extent of the relief requested in the application, no other relief is implied, (3) scope is limited to the testimony given and documents produced as noted above.**
- 2. The applicant shall, after the (20) twenty day appeal period has expired, return to the Town Clerk to have this decision stamped, then record notice of same with the North Registry of Deeds and file a copy of the Registry Receipt with the Board of Appeals forthwith.**
- 3. Variances shall be used within a (1) one year period or shall be null and void.**
- 4. Board made a condition to address the surface runoff and drainage issues with the development of the property.**

**Notice of this decision shall be mailed forthwith to the applicant, to the parties in interest designated in M.G.L. Chapter 40A, Section 11, and to every person present at the hearing who requested that notice be sent to him and stated the address to which such notice was to be sent.**

Case # 2021-58 - Variance  
430 Treble Cove Road  
Page 3

Any Appeal from this decision shall be made pursuant to M.G.L. Chapter 40A, Section 17 and shall be filed within (20) twenty days after the date of the filing of the notice of decision in the office of the Town Clerk.

Date of Board of Appeal Decision: October 20, 2021

I, SHIRLEY E. SCHULT, Clerk of the Town of Billerica, MA, hereby certify that the decision from the BOARD OF APPEALS has been received and recorded at this office and no appeal was received during the twenty days next after such receipt and recording of said decision.

DATE: *November 23, 2021*

*Shirley E. Schult*  
SHIRLEY E. SCHULT, CMC, CMMC  
TOWN CLERK

*Anupam S. Wali*

Anupam S. Wali  
Chairman

*Robert Accomando*

Robert Accomando  
Vice-Chairman

*Michael Parker*

Michael Parker  
Secretary

*Richard Colantuoni*

Richard Colantuoni  
Member

Sal Dampolo  
Member

Billerica Zoning Board of Appeals  
365 Boston Road, Billerica, Massachusetts – 01821  
Telephone (978) 671-0964



TREBLE COVE ROAD

VOL. 12, page 312, March 27, 1899

ARTICLE 8. (Report of Committee on Naming Streets, accepted.) TREBLE COVE ROAD, from Fordway bridge running southeast to Carlisle line. THIS ACCEPTED NAME OF STREET ONLY!

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VOL. 29, page 255, SIM, October 5, 1993.

ARTICLE 10. To see if the Town will vote to discontinue TREBLE COVE ROAD at two locations as a public way so as to reduce the width to 50 feet (see attached map); or act in relation thereto.

ARTICLE 10 (page 262). Voted to discontinue portions of Treble Cove Road at two locations as a public way so as to reduce the width to 50 feet and parallel to the northerly side line of the existing Middlesex County Layout between Bridge Street and Boston Road and retain as a water and utility easement. (These sections are located on the east side of Treble Cove Road approximately 1000 and 2000 feet south of Boston Road (Route 3A)).

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VOL. 42, Page 139 + 174, October 4, 2016

ARTICLE 36. Voted to accept as a public way from Carlisle Town Line to Pollard Street.

# AERIAL PHOTO



- MA Place (All Towns)
- Community File
- Parcels with Ortho P
- MA Highway
- Interstate
- US Highway
- Numbered Rout
- Town Boundary
- MA Open Water 25k



430 TREBLE COVE RD



The data shown on this site are provided for informational and planning purposes only. The Town and its consultants are not responsible for the misuse or misrepresentation of the data.



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