

BILLERICA BOARD of APPEALS
Minutes for the
January 15, 2025 Meeting
6:00 PM – Room 210
365 Boston Road, Billerica, MA

ATTENDANCE: Members Eric Anable (Chairman), Robert Accomando (Vice-Chair), Michael Pendleton, Richard Colantuoni and Anupam Wali. Mark LaLumiere, Building Commissioner and Recording Secretary Liz Ells, ZBA.

I. 6:04 PM – Carla Olson – Special Permit request to transfer an existing in-law apartment in a Rural Residence Zone located at 234 High St. (Case #24-79)

Carla presented her request to transfer the existing in-law apartment to her name. She recently bought the property and would like to have her daughter occupy the in-law apartment. She stated she has no plans to change or renovate the space.

The Certified Plot Plan of Land prepared by Dresser, Williams & Way, LLC., dated December 7, 2004, and the in-law floor plan shall be filed as the Plans of Record for this decision.

MOTION: TO close the public hearing. Moved by Vice Chair Accomando, seconded by Member Pendleton. All in favor. Motion carried.

MOTION: TO grant the special permit requested. Moved by Secretary Wali, seconded by Member Pendleton. All in favor. Motion carried. Special permit **granted**.

II. 6:08 PM – Linda & Maurice Matte – Variance request to reduce side setback to construct a garage in a Rural Residence Zone located at 21 Connolly Rd. (Case #24-78)

Mr. & Mrs. Matte presented their petition to the Board requesting side setback relief to construct a garage. Mr. Matte is a veteran and is handicapped and has mobility issues due to injuries. They wish to build a garage with living space above that is handicapped accessible for him to maneuver entering and exiting their home with more ease. They are requesting a reduction of the side setback from 15' to 11.1'. The Board granted them a side setback of 10.6'.

The Certified Plot Plan of Land prepared by Edward J. Farrell, PLS, dated December 5, 2024, shall be filed as the Plan of Record for this decision.

MOTION: TO close the public hearing. Moved by Member Pendleton, seconded by Secretary Wali. All in favor. Motion carried.

MOTION: TO grant the variance requested. Moved by Member Pendleton, seconded by Secretary Wali. All in favor. Motion carried. Variance **granted**.

III. 6:14 PM – Rakesh Rana – Variance request to reduce side and front setback to install a car port in a Rural Residence Zone located at 10 Tom Grace Way (Case #24-80)

Rakesh presented his petition to the Board requesting side and front setback relief to install a 20'x 20' carport on his driveway. The carport will be a metal structure and will be placed on his driveway in front of his home. The lot is approximately 5,000 square feet and space is limited as to the placement of the carport. He is requesting a reduction in the side setback from 7.9' to 3' and the front setback from 23.4' to 3' from the front property line. It was noted that the size of the carport itself may have to be reduced, and the applicant agreed to down size it if needed in order to meet the required 3' from the front property line. The Zoning section was amended to reflect it to Section 7.D.(8) as this is an access drive and the carport will be slightly in front of the home. It was further amended that the carport must be 3' from the front property line and not obstruct the public way.

The Certified Plot Plan of Land prepared by Robert M. Gill, PLS, dated June 4, 2010, shall be filed as the Plan of Record for this decision.

MOTION: TO close the public hearing. Moved by Secretary Wali, seconded by Member Colantuoni. All in favor. Motion carried.

MOTION: TO grant the variance requested. Moved by Secretary Wali, seconded by Vice-Chair Accomando. All in favor. Motion carried. Special Permit **granted**.

IV. 6:28 PM – Julie Stephenson by Kevin Kieler, Brady Built, Inc., - Variance request to reduce side setback to construct a sunroom in a Rural Residence Zone located at 36 Sachem St. (Case #24-77)

Kevin Kieler of Brady Built Sunrooms presented his client's petition to reduce the side setback to construct a 10' x 18' sunroom on the right side of the house facing a paper street. The applicant wishes to construct a sunroom that will be used as office space as well as an exercise room. It is noted that the other side of the house is the kitchen and bathroom, deck and patio placement and therefore, is not a feasible option to construct the sunroom on that side. They are requesting to reduce the side setback from 20' to 17.5'.

The Certified Plot Plan of Land prepared by Dresser, Williams & Way, Inc., dated October 28, 2024, and the design plan prepared by Brady Built Sunrooms shall be filed as the Plans of Record for this decision.

MOTION: TO close the public hearing. Moved by Secretary Wali, seconded by Member Pendleton. All in favor. Motion carried.

MOTION: TO grant the variance requested. Moved by Secretary Wali, seconded by Member Pendleton. All in favor. Variance **granted**.

V. 6:34 PM - EK BK & Co., LLC d/b/a/ Mimi's Bahn Mi by James Dangora, Jr., Esq. – Special Permit request to operate a Vietnamese Fast Order Food Establishment in a General Business Zone located at 446 Boston Rd. (Case #24-75)

Attorney Dangora presented his client's petition requesting to operate a take-out restaurant specializing in Vietnamese cuisine. The space was currently occupied by Bella Mia Hair Salon and is approximately 900 sq. ft. The menu would consist of sandwiches, soups, chicken wings and assorted other items. The hours of operation would be Monday thru Saturday, 10:00 am to 6:00 pm and Sunday's from 10:00 am to 4:00 pm. The applicant would be responsible for dumpster and recycling services. A letter of support was received from the property owner, Kevin O'Connor of O'Connor's Hardware.

The As-Built Site Plan prepared by Raymond Engineering Service, dated December 6, 1991, and the interior floor plan shall be filed as the Plans of Record for this decision.

MOTION: TO close the public hearing. Moved by Secretary Wali, seconded by Member Pendleton. All in favor. Motion carried.

MOTION: TO grant the special permit requested. Moved by Vice-Chair Accomando, seconded by Member Pendleton. All in favor. Special permit **granted**.

VI. 6:54 PM - Reaching Swanson Meadows, Corp. by Stephen Nelson, Esq. – Special Permit Modification Request to expand current restaurant in a Rural Residence/Town House Overlay Zone at 216 ½ Rangeway Rd. (Case #24-41)

Attorney Nelson presented his client's petition to expand the current restaurant to construct a function room where the existing deck is and accommodate up to 175 patrons. This request adds an additional 4800 sq. ft. to the restaurant space plus the addition of a new deck off the back of it. Additional parking spaces would be required.

The petition received opposition from multiple abutters who expressed concerns over the noise and late night distractions in a neighborhood zone. It was stated that there are differences in uses i.e. entertainment verses functions and that the noise levels within their homes was unacceptable. It is noted that the police were called on several occasions responding to noise complaints.

MOTION: TO continue the public hearing to February 19, 2025. Moved by Secretary Wali, seconded by Member Pendleton. All in favor. Motion carried.

Administrative Matters:

1. Approve the minutes for the January 15, 2025 meeting.

MOTION: TO accept the January 15, 2025 minutes as presented. Moved by Member Pendleton, seconded by Vice Chair Accomando. All in favor. Minutes accepted.

8:15 PM - ADJOURN

MOTION: TO adjourn. Moved by Vice-Chair Accomando, seconded by Member Colantuoni. All in Favor. Motion Carried. Meeting adjourned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Anupam Wali', written over a horizontal line.

Anupam Wali, Secretary