

BILLERICA BOARD of APPEALS
Minutes for the
April 16, 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 (via ZOOM), and Anupam Wali (Secretary). Mark LaLumiere, Building Commissioner and Recording Secretary Liz Ells, ZBA.

- I. 6:05 PM** FB Realty Investors, Inc., by Shreya Patel – Special Permit request to operate an existing fast-food establishment in a General Business Zone located at 480 Boston Rd. (Case #25-03)

Shreya presented her request to transfer the Special Permit to operate the existing Subway Shop located at 480 Boston Road. She stated that there is no change in the business or building interior.

The submitted interior floor plan prepared by Falcon Construction, LLC, dated May 7, 2012 shall be filed as the Plan 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 Secretary Wali, seconded by Member Pendleton. All in favor. Motion carried. Special Permit **granted**.

- II. 6:08 PM** – Mallory Shackford – Special Permit request to operate an existing fast-food establishment in a General Business Zone located at 240 Nashua Rd. (Case #25-16)

Mallory presented her petition to obtain a Special Permit to reopen the former Zesty's Pizza Shop at 240 Nashua Road. She stated that the business operation will be the same as well as the interior floor plan and will be operating as Big Al's Pizza. She presented the Board with a well detailed hand-drawn interior plan. The potential hours of operation will initially be Thursday to Saturday from 2:00 to 8:00/9:00 p.m. to start. The goal to operate a full-time schedule will be Monday to Friday 10:00 a.m. to 11:00 p.m.; Saturday and Sunday will be 7:00 a.m. to 11:00 p.m.

The submitted Plot Plan dated May 6, 1974 and the interior 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 Member Pendleton seconded by Vice-Chair Accomando. All in favor. Motion carried. Special Permit **granted**.

III. 6:16 PM - McCue Outlet, LLC by Signverse, LLC – Special Permit request to install a 60”x41” roof sign in a General Business Zone located at 505 Boston Rd. (Case #25-14)

Mr. Juliano represented Signverse and stated that the sign is a standard electric roof mounted sign that requires a Special Permit. The sign is 60” x 41” in size. The new building is under construction and this sign will attract business as well as present well to the public at large.

The Certified Plot Plan prepared by Dresser, Williams & Way, Inc., dated January 17, 2024 and the submitted sign design prepared by Signverse dated February 25, 2024 shall be filed as the Plans of Record with 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 Secretary Wali, seconded by Member Pendleton. All in favor. Special Permit **granted**.

IV. 6:22 PM – Seemant Mathur – Variance request to reduce front and rear side setback to construct an addition in a Village Residence Zone located at 59 Pinehurst Ave. (Case #25-12)

Seemant presented their petition to reduce the front and rear setbacks to construct a single story addition to their home for added family space. They are requesting to reduce the front setback to 23.2’ and the rear is 11.3’ to align with their home. This addition will be located above an existing garage.

The Certified Plan of Land prepared by Cerrato Land Surveying dated October 30, 2024 shall be filed as the Plan of Record for this decision.

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

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

V. 6:29 PM - Bulgarian Center of New England – Variance request to reduce front and side setback to construct an addition in a Rural Residence Zone located at 310 River St. (Case #25-15)

Mr. Flashenburg presented the variance petition to reduce the front setback to construct an addition to the building. They currently house functions and provide small church services. The intention for this addition is to build a chapel which will exclusively be used as a chapel on Sundays and holidays. They are requesting relief of 4' from the required 35' to 31'.

The Certified Plan of Land prepared by Hawk Consulting, Inc., dated March 16, 2025 shall be filed as the Plan of Record for this decision.

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

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

VI. 6:35 PM - Richard F. Annese & John F. Ripa, Jr. by James Dangora, Jr., Esq., - Variance request to divide the premises into two lots in a Rural Residence Zone located at 31 Boston Rd. (Case #25-17)

Attorney Dangora presented his client's petition to divide the premises into two lots. Currently the lot is 1.76 acres and if granted, would be divided into two lots. Lot 1 would contain 38,744 sq. ft. with 112.35 of frontage and Lot 2 would contain 38,717 sq. ft. with 112.95' of frontage. He noted that the property has not been maintained and has become an eyesore for the community. The intention is to construct 2 new homes on the lots. The majority of the surrounding lots are considerably smaller than this one and it clearly would be an improvement to the area and the neighborhood. The variances are for reduction of lot size and frontage as it is a Rural Residence Zone.

The Certified Plan of Land prepared by Land Engineering & Environmental Services, Inc., dated February 24, 2025 shall be filed as the Plan of Record for this decision.

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

MOTION: TO grant the variance requested. Moved by Member Pendleton, seconded by Vice-Chair Accomando. All in favor. Motion carried. Variance **granted**.

VII. 6:44 PM - Carolyn Chronister by Michael Fabiano – Variance request to reduce front setback on corner lot to replace existing deck with enclosed living space in a Village and Rural Residence Zone located at 2 Emerson Rd. (Case #25-18)

Carolyn presented her petition to reduce the front setback to replace the existing deck with an enclosed living space. It is a corner lot and the request is to reduce the 35' front setback to 29.3'. Her daughter and son-in-law, Michael Fabiano, reside with her and they need the extra space to accommodate their young children. The Board granted relief of the front setback from 35' to 28.5'.

The Certified Plan of Land prepared by Merrimack Engineering Services, dated June 7, 2019 shall be filed as the Plan 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 Vice-Chair Accomando, seconded by Member Pendleton. All in favor. Motion carried. Variance **granted**.

Administrative Matters:

1. Approve the minutes for the March 19, 2025 meeting.

MOTION: TO accept the March 19, 2025 minutes as presented. Moved by Member Pendleton, seconded by Vice Chair Accomando. All in favor. Minutes accepted.

MOTION: TO move into Executive Session. Moved by Vice-Chair Accomando, seconded by Member Pendleton. All in favor. Motion carried.

7:46 PM – ADJOURN

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

Respectfully submitted,

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

Anupam Wali, Secretary