

BILLERICA BOARD of APPEALS
Minutes for the
May 21, 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 (Secretary). Mark LaLumiere, Building Commissioner and Recording Secretary Liz Ells, ZBA.

I. 6:05 PM Michelle Rich – Special Permit request to construct an in-law apartment in a Rural Residence Zone located at 5 Karl Dr. (Case #25-21)

Michelle presented her request to convert her basement into an in-law apartment for her fiancé's daughter. She explained that she will be graduating college soon and the economic challenge of finding affordable housing is the hardship. The design plan meets the zoning standard of 800' sq. ft.

The Certified Plot Plan of Land prepared by William G. Troy, PLS, dated December 1982 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 Secretary Wali, seconded by Member Pendleton. All in favor. Motion carried.

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

II. 6:08 PM – Chase Bank by Hazel Wood Hopkins – Variance request to install two secondary signs in a General Business Zone located at 484 Boston Rd. (Case #25-20)

Heather Dudko presented her client's petition requesting two secondary wall signs that meet the height requirement of 3' but do not meet the client's visibility need. The building is in the construction phase, and it is located further away from the street. One sign will face the center of the property facing north and the other one facing south. The topographical hardship of the position of the building on the lot drives the request for secondary signage for visibility to promote business.

The Site Plan and the sign logo design plans 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 Colantuoni. All in favor. Motion carried.

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

III. 6:16 PM - Piyush & Sonal Shah by James Dangora, Jr., Esq. – Variance request to divide the premises into two lots in a Village Residence Zone located at 30 Ernest Rd. (Case #25-22)

Attorney Dangora presented his client's petition to divide their property into two lots and convey the new lot to their son and daughter-in-law. Currently, the lot is 15,000 sq. ft. and the division of it would create 2 lots consisting of 7,500 sq. ft. each with 75 feet of frontage. He explained that a vinyl fence with an access gate would separate the properties and Attorney Dangora requested an access easement for the benefit of Lot 1 to be made a condition of the variance request. The property is serviced by both town water and sewer. Direct abutters were present and expressed support of the lot split. The Board granted the variance with the condition that the easement be filed with the plot plan of record in perpetuity.

The Certified Plan of Land prepared by Boston Geomatics, LLC., dated April 16, 2025 and the Easement shall be filed as the Plans of Record for this decision. The Easement shall be recorded and filed in perpetuity.

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

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

IV. 6:22 PM – Brian Schofield – Special Permit request to expand and operate a restaurant in a General Business Zone located at 816 Boston Rd. (Case #25-23)

Brian presented his petition to expand his current business and open a 50-seat restaurant in the same building but taking over the former liquor store section of the building. He currently operates a fast-food establishment on the side of the building which he currently holds a Special Permit for. He wants to expand the space and open a bar and lounge and dining room area seating up to 50 patrons. His hours of operations will remain the same (Sunday – Wednesday, 11:00 am to 10:00 pm, Thursday – Saturday, 11:00 am to 11:00 pm)

The submitted Interior Floor Plan prepared by Just Draw It dated April 17, 2025 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 Vice Chair Accomando, seconded by Secretary Wali. All in favor. Special Permit **granted**.

- V. **6:29 PM** - Five Below by Hazel Wood Hopkins – Variance request to install a 6'.9"x 28'x9" sign in a General Business Zone located at 700 Boston Rd. (Case #25-24)

Heather Dudko presented her client's petition requesting a variance for a store front sign that exceeds the 3' height maximum. The sign is 6'.9" x 28'.9" at 194 sq. ft in a plaza that is set well back from the street and is needed for visibility purposes. It is noted that there are other store front signs in the shopping plaza that also exceed the by-law maximum height allowed.

The sign logo design plan shall be filed as the Plan of Record for this decision.

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

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

Administrative Matters:

1. Craftsman Village Billerica (f/k/a Greystone Estates):
 - a. Application for Modification, Rescission or Amendment of Definitive Subdivision Plan & Easement
 - b. Acknowledgement of Zoning Board of Appeals as part of the Regulatory Agreement to secure final approval from Mass Housing
2. Approve the minutes for the April 16, 2025 meeting
3. Approve the minutes for the April 16, 2025 Executive Session meeting.

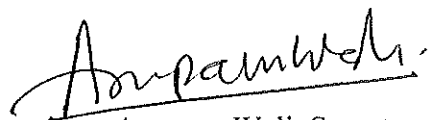
MOTION: TO accept April 16, 2025 minutes as presented. Moved by Vice Chair Accomando, seconded by Member Colantuoni. All in favor. Minutes accepted.

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

7:35 PM – ADJOURN

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

Respectfully submitted,


Anupam Wali, Secretary