

RECEIVED

2026 APR -6 P 3:46

TOWN CLERK
BILLERICA

Form A
APPLICATION FOR ENDORSEMENT OF A PLAN BELIEVED
NOT TO REQUIRE APPROVAL

Billerica, MA April 6, 2026

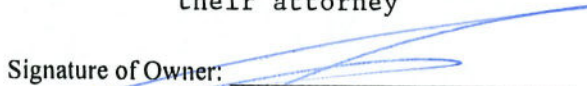
The undersigned believing that the accompanying plan of his/her property in the Town of Billerica does not constitute a subdivision within the meaning of the Subdivision Control Law, every lot within the tract so divided having frontage on: (Check one)

- (A.) A public way, or
- (B.) A way shown on a plan theretofore approved in accordance with the Subdivision control law, or
- (C.) A way in existence when the subdivision control law became effective in the Town of Billerica, having in the opinion of the Planning Board, sufficient width, suitable grades and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land abutting thereon or served thereby, and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon.

Herewith submits said plan and the necessary evidence to support this belief for a determination and endorsement that Planning Board approval under the Subdivision Control Law is not required.

1. Name of Applicant: John T & Melissa A Conway
 Address: 10 Peach Street
Billerica, MA 01821 Phone# 978-479-0720
2. Name of Engineer or Surveyor: Dresser, Williams & Way, Inc.
572 Boston Road, Unit 5
 Address: Billerica, MA 01821 Phone # 978-663-5410
3. Deed of Property recorded in: Middlesex North Registry of Deeds
 Registry Book: 39312 Page: 108
4. Location and Description of Property:
See Exhibit A attached hereto

John T. Conway &
Melissa T. Conway by
their attorney

Signature of Owner: 
Address: Stephen J. Lentine, Esq.

630 Boston Road
Billerica, MA 01821
978-663-8584
steve.lentine@verizon.net

EXHIBIT A
36 ROGERS STREET
NORTH BILLERICA, MA 01862

A certain parcel of land, with the buildings thereon situated in said Billerica, on Rogers Street, being shown as Lot 2 on a plan dated May 22, 2025 and entitled, "Approval Not Required, Rogers Street, Billerica, Massachusetts," by Dresser, Williams and Way, Inc., Professional Engineers and Land Surveyors, recorded with Middlesex North Registry on June 11, 2025 at Plan Book 253, Plan 92.

Said Lot 2, containing 243,596+/- square feet (5.59+/- Acres) according to said plan.

Subject to easements and restrictions of record, if any, in force and applicable.

**LAW OFFICE OF
STEPHEN J. LENTINE**

630 Boston Road
Billerica, MA 01821
(978) 663-8584

e-mail: steve.lentine@verizon.net

HAND DELIVERY

April 6, 2026

Billerica Planning Board
Attn: Michael Parker, Chairman
365 Boston Road
Billerica, MA 01821

Re: 36 Rogers Street
Assessor's Map 10, Parcel 58-0 & Map 16, Parcel 27-0
Owners-John T. Conway and Melissa A. Conway
ANR Plan Application

Dear Chairman Parker:

Enclosed please find with regard to the above-referenced property the following:

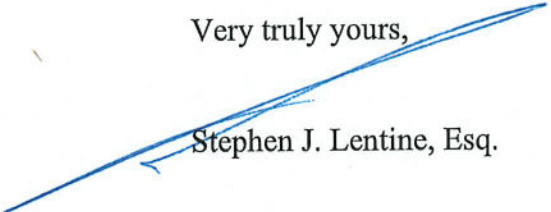
- (1) Application for Endorsement of a Plan Believed not to Require Approval (Form A) (original and 3 copies);
- (2) Checklist;
- (3) Ten copies of full size plan dated April 5, 2026 by Dresser, Williams & Way, Inc., which includes all Checklist Requirements;
- (4) Ten copies of reduced size plans;
- (5) Mylar of said plan;
- (6) May 28, 2025 Letter from the Town Clerk regarding the status of Rogers Street as a public way;
- (7) Copy of March 18, 2026 Decision from the Zoning Board of Appeal granting an area variance of twenty five feet (25') for Lot 2A as shown on the plan (frontage complies); and
- (8) Filing fee of \$150.00 payable to the Town of Billerica.

Please note a review of the records at the Middlesex North Registry of Deeds, did not show any other existing variances or special permits for this site.

Kindly put this matter on for approval at the April 13, 2026 Planning Board meeting or contact my office immediately if there is any problem with the same.

Thank you for your courtesy.

Very truly yours,



Stephen J. Lentine, Esq.

SJL/plh

Encls.

cc: Clients-by email

Engineer-by email.

APPROVALS NOT REQUIRED
ANR FORM A CHECKLIST

- _____ Original in India Ink - Mylar Copy - provided
- _____ ANR Form A Application (Original & 3 copies) - provided
- _____ 6 prints- accompanied by the necessary evidence to show that the plan does not require approval - provided
- _____ A plan of the entire parcel of land from which the subdivision is being made. - provided
- _____ The ANR fee of \$75/ per lot to the Town of Billerica. - provided
- _____ Identification of the Plan by name of owner of record; location of land in question and if different, the name of the applicant. - See Plan
- _____ A letter from the Town Clerk stating (A) if the street is an accepted street of the town; (B) a way in existence when the subdivision control law became effective in the town; a letter from the Planning Board showing a way on a plan approved in accordance with the subdivision control law. - provided
- _____ The zoning classification of the land, that contains property. If applicable, the location of any zoning boundary lines that lie in the area. - See Plan
- _____ 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. - provided
- _____ Distance to nearest public or private intersection, or to any other monuments within that dimension. - See Plan
- _____ Location of existing buildings on the lot and their distance to the nearest property line unless specifically waived by the board. - See Plan
- _____ After the Land Court Plan is filed. The Planning Board shall be notified in writing of the Land Court registration within (30) days. - Not Applicable
- _____ 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. - See Plan
- _____ All abandoned roads, easements, and rights-of-way including the Middlesex Canal, whether previously of public record or not, shall be shown. - See Plan
- _____ Locus Plan - See Plan



OFFICE OF THE TOWN CLERK

TOWN HALL, ROOM 101
365 BOSTON ROAD
BILLERICA, MA 01821
978-671-0924

Donna J. McCoy, CMC
Town Clerk
Certified Municipal Clerk

May 28, 2025

To Whom It May Concern:

ROGERS STREET

ARTICLE 28, MARCH 24, 1902

On motion of C.H. Kohlrausch it was VOTED to change the name of Union Hall Street to Carleton Street, Railroad Street to Ruggles Street; to define Elm Street as running from Colson Street to the southern bank of the Middlesex Canal; to define Faulkner Street as extending from the Canal to Mt. Pleasant Street and Roger Street from Mt. Pleasant Street past the church.

ARTICLE 36, OCTOBER 4, 2016

Voted to accept as a public way from High Street to Mt. Pleasant Street.

Sincerely,

Donna J McCoy
TOWN CLERK CMC

DJM
cc

THE COMMONWEALTH OF MASSACHUSETTS

BILLERICA

City or Town

RECEIVED

BOARD OF APPEALS

2026 MAR 26 P 3: 27

Date: March 18, 2026

TOWN CLERK
BILLERICA

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

The Board of Appeals of the Town of Billerica hereby certifies that a **VARIANCE** has been **GRANTED (Case #26-03)**

To JOHN T. CONWAY & MELISSA A. CONWAY

Address 36 ROGERS STREET

City or Town BILLERICA, MA 01821

affecting the rights of the owner with respect to land of buildings at 36 ROGERS STREET, Billerica, MA Plate 16 Parcel 58-0 and recorded in M.N.D.R. of D's Book 39312 Page 108.

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**, 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.

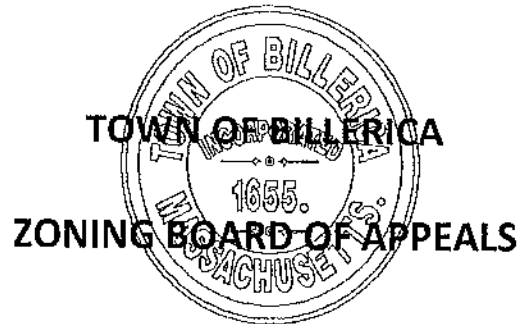
The Board of Appeals also calls to the attention of the owner or applicant that General Laws, Chapter 40A, Section 11 (last paragraph) provides that no variance or special permit, or any extension, modification or renewal thereof, shall take effect until a copy of the decision bearing the certification 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.

Michael Pendleton (cc)

Chairman

Robert B. Coombes

Vice-Chairman



CASE # 26-03 VARIANCE GRANTED

DATE: March 18, 2026

Applicant: JOHN T. CONWAY & MELISSA A. CONWAY

Locus: 36 ROGERS STREET

Assessor's Map: Plate 16 Parcel(s) 27-0

A public hearing was held on Wednesday, March 18, 2026 at Town Hall, Room 210 at 6:05 PM for a Variance under Section 8.1.B (Lot Split) and 8.2 and Appendix B, Table 2 (Dimensional Table -Area) of the Zoning By-Law to divide the premises into two legally buildable home lots in a Neighborhood Residence Zone.

Notice of this hearing was advertised in the Lowell Sun on March 4, 2026 and March 11, 2026. 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: Robert Accomando, Eric Anable, Richard Colantuoni, Michael Pendleton, and Joseph Shaw.

Attorney Lentine presented his clients request to divide the premises into two buildable residential home lots. The proposed lot 2A will have 39,975 sq. ft and proposed lot 2B will have 203,621 sq. ft. It is noted Lot 2A is 25' sq. ft less than the required square footage for the Neighborhood Zone and Proposed Lot 2B will be developed at a future date. Both lots comply with the frontage and setback requirements. It is noted that there are significant wetlands on Lot 2B which will be addressed by the Conservation Commission at a later date.

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

The Board of Appeals voted 5-0 to grant the variance.

The Certified Plan of Land prepared by Dresser, Williams & Way, Inc. dated January 21, 2026 shall be filed as the Plan of Record for this decision.

The Board finds (1) the proposed variance is in harmony with the general purpose and intent of the Zoning By-Law and Chapter 40A; (2) the proposed use is in compliance with all other requirements set forth in this Zoning By-Law for issuance of a variance; and (3) the proposed use will not prove injurious to the safety or general welfare of the neighborhood into which it proposes to locate nor will the proposed use prove destructive of property values.

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 Middlesex North Registry of Deeds and file a copy of the Registry Receipt within (90) ninety days of filing of decision with the Town Clerk. Failure to record this decision within (90) ninety days shall render it null and void.
3. Variances shall be used within a (1) one year period or shall be null and void.

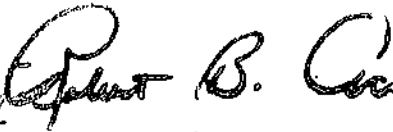
Notice of this decision shall be mailed forthwith to the applicant, to the parties in interest designated in M.G.L. Chapter 40A, Section 11, and to every person present at the hearing who requested that notice be sent to him and stated the address to which such notice was to be sent.


Case # 26-03
36 Rogers St.
Page 3

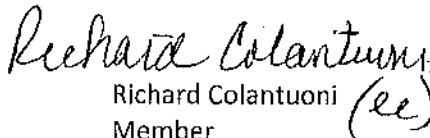
Any Appeal from this decision shall be made pursuant to M.G.L. Chapter 40A, Section 17 and shall be filed within (20) twenty days after the date of the filing of the notice of decision in the office of the Town Clerk.

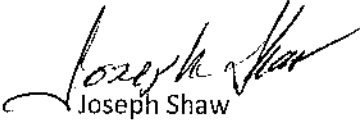
Date of Board of Appeal Decision: March 18, 2026


Michael Pendleton
Chairman (cc)


Robert Accomando
Vice-Chairman


Eric Anable
Secretary


Richard Colantuoni
Member (cc)


Joseph Shaw
Member

ATTEST: I, _____, Clerk/Assistant Clerk, for 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 (20) days next after such receipt and recording of said decision.

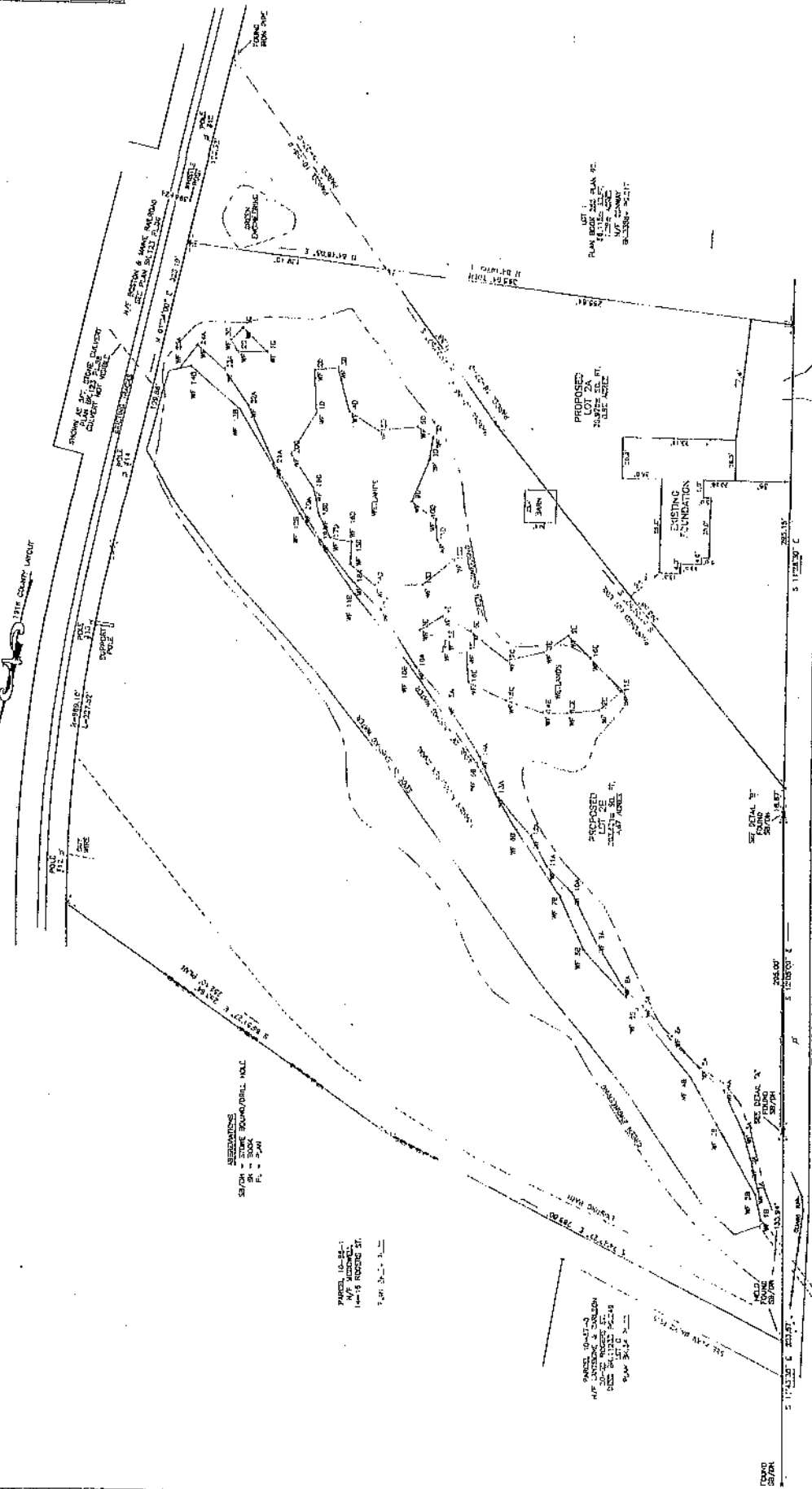
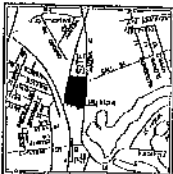
Donna J. McCoy, Town Clerk

Date

Assistant Town Clerk

Date

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



ROGERS STREET
DISE COUNTY JAYVOT

NOTES:
1. PROPOSED STRUCTURE OF LOT 2A, PLAN ROOM ZBA PLAN 82.
2. PROPOSED STRUCTURE OF LOT 2B, PLAN ROOM ZBA PLAN 82.
3. PROPOSED STRUCTURE OF LOT 2C, PLAN ROOM ZBA PLAN 82.
4. EXISTING STRUCTURE LOCATED EAST OF PROPOSED LOT 2A.
5. EXISTING STRUCTURE LOCATED WEST OF PROPOSED LOT 2B.
6. EXISTING STRUCTURE LOCATED EAST OF PROPOSED LOT 2C.



ZBA PLAN
ROGERS STREET
BILLERICA, MASSACHUSETTS

SCALE: 1" = 20'
DATE: JANUARY 21, 2008

Dresser, Williams & Woy, Inc.
572 BOSTON RD. RD. (UNIT 5) BILLERICA, MA
TEL: 978-666-1234 FAX: 978-666-1234

PROJECT: COMMUNITY CENTER
REVISION: 1

LEGEND:
SOLID LINE - PROPERTY BOUNDARY
DASHED LINE - PROPOSED BOUNDARY
DOTTED LINE - EXISTING BOUNDARY

PROPOSED LOT 2A
PROPOSED LOT 2B
PROPOSED LOT 2C

PROPOSED STRUCTURE OF LOT 2A
PROPOSED STRUCTURE OF LOT 2B
PROPOSED STRUCTURE OF LOT 2C

DATE: 1/21/08