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City or Town

2020 JAN 16 AM 11:49

BOARD OF APPEALS

TOWN CLERK
BILLERICA

Date: January 8, 2020



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Recorded: 02/07/2020 12:57 PM

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 issued

To MIDDLESEX CANAL ASSOCIATION by J. JEREMIAH BREEN, PRES

Address 2 OLD ELM STREET

City or Town BILLERICA, MA 01821

affecting the rights of the owner with respect to land of buildings at 2 Old Elm Street, Billerica, MA Plate 10 Parcel 231-2 and recorded in M.N.D.R. of D's Book 28036 Page 214.

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.

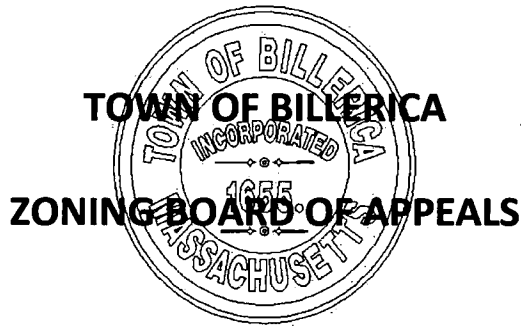
The Board of Appeals also calls to the attention of the owner or applicant that General Laws, Chapter 40A, Section 11 (last paragraph) provides that no variance or special permit, or any extension, modification or renewal thereof, shall take effect until a copy of the decision bearing the certification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

Roris M Peterson

Chairman

Ameyam Wash

Clerk



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CASE # 2019-86 SP Granted

DATE: January 8, 2020

**Applicant: Middlesex Canal Association,
J. Jeremiah Breen, Pres.**

**Locus: 2 Old Elm Street,
Assessor's Map: Plate 10 Parcel 231-2**

A public hearing was held on January 8, 2020 at the Town Hall at 7:25 PM, for a special permit under section 5.B.5 (Regulations of Uses) and Section 8.D (Parking Regulations) of the Zoning By-Law to convert the existing structure into a museum, addition of observation deck, entrance vestibule and a foot bridge that crosses the existing canal to a designated parking area. Locus is within the Village Residence Zone, Historic District, Mill Conversions and Reuse Districts.

Notice of this hearing was advertised in the Billerica Minuteman on December 19, 2019 and December 26, 2019. 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: Doris Pearson, Richard A. Colantuoni, Anupam S. Wali, Sal Dampolo and Eric Anable.

At the hearing, Matthew S. Hamor of Landplex LLC, (Engineer for the project) testified that the existing 2 story brick structure is in need of major repairs. The structure is over 100 years old and its architecture is similar to the old mill buildings across the street. The structure will be completely renovated and an observation deck, entrance vestibule and foot bridge will be added. Funding is in place for the construction. The following drawings were presented and are made part of this decision: Notice of Intent Plan (2 Old Elm St) rev 2/20/19, Zoning Board of Appeals Plan (2 Old Elm St) March 14, 2019, Construction plans by CAC Architects dated 12/14/18. Mr. Hamor also demonstrated that the requested reduction in parking spaces will not be a detriment to the area. Most visitors to the museum will be school children brought in by bus and there is additional parking area that will be developed in the future. Mr. Hamor also presented an easement agreement for the parking areas. They do not wish to re-develop the entire parking area at this time as future development is in the works.

The Board of Appeals voted unanimously to Grant the Special Permit requested.

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

The Board finds the (1) the proposed special permit is in harmony with the general purpose and intent of the Zoning By-Law and Chapter 40A; (2) that the proposed renovation and construction of the observation deck, entrance vestibule and foot bridge while increasing the non-conformity of the structure will be constitute a suitable use and will not result in substantial detriment to the neighborhood, but will enhance the area; (3) the proposed use is in harmony with the purpose and intent of the Billerica Zoning By-Law; and (4) 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.

SPECIAL PERMIT CONDITIONS:

- 1. This special permit is for the petitioners only and may not be transferred or sold without applying to the Board of Appeal.**
- 2. The relief granted by this Special Permit 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.**
- 3. 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 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.**
- 4. Special Permits shall be used within a (2) two year period or shall be null and void.**

It is further ordered that a copy of these proceedings shall be immediately filed in the office of the Town Clerk and the Planning Board and is hereby certified that copies of this decision have been so filed as required by Section 11 of Chapter 40A MGL. Notice of a decision by the board shall be mailed forthwith to the parties in interest a designated by in section 15 and to each present, who at hearing requests that a notice be sent to him/her and states the address to which notice is to be sent.

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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: January 8, 2020

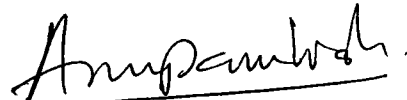
I, SHIRLEY E. SCHULT, Clerk of the Town of Billerica, MA, hereby certify that the decision from the BOARD OF APPEALS has been received and recorded at this office and no appeal was received during the twenty days next after such receipt and recording of said decision.


DATE February 7, 2020


SHIRLEY E. SCHULT, CMC CMMC
TOWN CLERK


Doris M. Pearson
Chairman


Richard A. Colantuoni
Vice- Chairman


Anupam S. Wali
Secretary


Sal Dampolo
Member


Eric Anable
Alternate

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