



Town of Pepperell
BOARD OF APPEALS
One Main Street
Pepperell, Massachusetts 01463
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Zoning Board of Appeals Meeting Minutes of March 4, 2020*

**This meeting was cablecast live and recorded for future cablecast by Pepperell Community Media*

Present: Mark Walsh (Chairman), Annette McLean, and Sean McCaffery.
Also present, Cheryl Lutcza (ZBA Assistant).

Not Present: Alan Leao, Jr.

7:01PM - Chairman, Mark Walsh, opened the meeting.

7:04PM – Hearing - ZBA-2019-07: 4 Powhatan Road (Bourdon):

An application has been submitted by Steven A. Bourdon and Barbara A. Bourdon, requesting a Zoning Board of Appeals **VARIANCE**, under Sections 9220 and 9222 of the Town of Pepperell Zoning By-Law, which, if granted, would allow a Variance of 18-feet from the side yard setback requirement of 30 feet (as applicable under Section 4140), to allow for the installation of an open carport over the existing driveway, the proposed carport to be 12 feet by 30 feet in size and attached to the roof of the existing garage. Subject property is located at 4 Powhatan Road, Pepperell, MA, as shown on Assessor's Map 39 as Parcel 47-0. A public hearing will be held on this matter at the Pepperell Town Hall, Conference Room B, on Wednesday, March 4, 2020 at 7:00P.M. The application is available for review at the Town Clerk's office at 1 Main Street. Parties wishing to speak in favor of, or in opposition to, the proposal may do so in writing prior to the hearing or at the hearing in person or represented by an agent or attorney. Interested parties are encouraged to attend.

Applicants, Steven A. Bourdon and Barbara A. Bourdon, were present. One member of the public was present. There were no abutters present.

The Applicants submitted certified check payments for the following fees associated with the ZBA Application:

- Postage Fee of \$34.20 (payable to the Town of Pepperell)
- Legal Advertising Fee of \$279.84 (payable to the Nashoba Valley Voice)

The Chairman explained the hearing process to those in attendance.

The Clerk read the Notice of Public Hearing (legal notice) into the record.

The Chairman provided an overview of the Town of Pepperell Zoning By-Law applicable to Variances.

The Chairman invited the Applicants to address the Board.

Applicant, Steven Bourdon, addressed the Board as follows:

- Provided an overview of the photographs that were provided with the application submission.
- Stated that they had been living in Pepperell for three years.
- Provided an overview of photographs showing the aerial view of the barn they have and that there is a driveway that runs along the side of the barn and would like to cover that driveway with the proposed carport that would be attached to the roof (of the garage) and extend about 12-feet and would be open.
- Explained that he likes to work outside but that in the summertime it is brutally hot with the sun shining, and he would like to have an overhang to give shelter from the sun and rain. There would be 5 posts to support the carport.
- Stated that the barn was built in 2002 by a previous owner of the property and the certified plot plan (from when they bought the house) showed that the edge of the barn was 30 feet from the side yard (see clarification in Building Inspector's Letter). Applicant explained that he had a new survey done in May 2018 and the new survey showed that the barn was only 24 feet from the lot line.
- Stated that he needs a variance for 18 feet from the lot line but the proposed new structure (carport) will only be 12 feet away (as clarified in the Building Inspector's letter). He further stated that he just wants to cover the driveway that currently exists.

Chairman explained to the Applicants that there is a heightened scrutiny when reviewing variance requests.

Discussion ensued relative to the home being built in 1995 and the garage built in 2002 and zoning setback.

Chairman asked if there were any questions. None.

Clerk read responses from the following Town Boards/Departments and/or concerned parties into the record:

- Response from Treasurer/Collector (Exhibit: D)
- Response from Conservation Commission (Exhibit: E)
- Response from Highway Department (Exhibit: F)
- Response from Historical Commission (Exhibit: G)
- Response from Board of Health (Exhibit: H)
- Response from DPW Director (Exhibit: I)
- Response from Assessor's Office (Exhibit: K)

Chairman explained to Applicant that if the Board were to grant the variance, that the Applicant would still have to comply with any State or Local regulations.

Board Member, Sean McCaffery, asked the Applicants to explain what hardships, particular to this property, that the Applicants would have in order to justify the variance. Applicant, Barbara Bourdon, responded and stated that they are retired, and that Mr. Bourdon works in the barn a lot. She further stated that they have a large van that they use to transport people from the Lion's Club, and that the van takes up most of the room in the barn. When Mr. Bourdon works on projects, he must move the van in and out of the barn and it would be nice if they could put the van outside and have it be protected. Mr. Bourdon stated that the barn gets very hot inside during the summer, when working in there, and that working outside is hot with the sun beating down. Mrs. Bourdon inquired if they were denied the variance by the ZBA, would they need a permit for a temporary canopy. The Board Members stated that they were not sure on that.

Board Member, Annette McLean, inquired about the van that the Applicant referred to. The Applicants again stated that it had been used to transport people to the Lion's Club meetings and to help other people by giving them rides, as needed. Mr. Bourdon stated that the van had previously been a handicapped van, but he has converted it back to a regular van.

Discussions ensued relative to the following:

- Length of the driveway and the van
- Carport cannot be located on the opposite side, because it is fenced in for dogs
- Driveway area doesn't have any shade and it is extremely hot when working out there

Mr. Bourdon further stated that he is very conscientious of his neighbors and keeping things nice and that he talked to his neighbor about the project.

Discussion ensued between the Applicants and the Board regarding the location and sizes of abutting properties in the area of the Applicant's property. Applicant stated the lots were approximately 2 acres.

Board entered into discussions regarding the fact that the applicants cannot put the carport on the other side of the property due to the fence, etc.; and, the design of the proposed carport.

Mr. Bourdon stated that the proposed carport would be sided to match the barn siding and would be all open and look nicer.

Chairman asked for a motion to close the public comment portion of the hearing. Mr. McCaffery made a motion to close the public comment portion of the hearing. Ms. McLean seconds the motion. All concur.

Board Members enter into discussion and deliberation.

Chairman asked for a motion regarding the Applicant's request. Ms. McLean made a motion to grant the relief requested. Mr. McCaffery seconds the motion. All concur.

Action Items:

1. Review and/or Approve ZBA Meeting Minutes of September 25, 2019:

The Chairman asked for a motion to approve the ZBA Meeting Minutes of September 25, 2019, as revised. Mr. McCaffery made a motion to approve the ZBA Meeting Minutes of September 25, 2019, as revised. Ms. McLean seconds the motion. All concur.

2. Associate Member Appointment:

The Board entered into discussion with, Heather Hampson, a citizen who is interested in the Board's Associate Member vacancy. The Chairman thanked Ms. Hampson for coming in to meet with the Board this evening. The Chairman stated that the ZBA does not have the power to appoint members to the ZBA and that the Board of Selectmen is the appointing authority. Ms. Hampson provided the Board with an overview of her background, stating that she had just moved to Pepperell in June. She further explained that she has worked for several other municipalities, including Littleton, Shirley, Maynard, Lancaster; and that she is currently employed by the Town of Ayer. The Chairman provided Ms. Hampson with some information on the ZBA, as well as its Board Members and staff. He further commented that the Board would be interested in having Ms. Hampson join the ZBA as an Associate Member and that the ZBA would have Ms. Lutcza convey that interest to the Town Administrator so that he could follow-up with the Board of Selectmen.

Old and New Business: None.

Adjournment:

The Chairman asked for a motion to adjourn the meeting. Mr. McCaffery made a motion to adjourn the meeting. Ms. McLean seconds the motion. All concur. Meeting adjourned at 7:56P.M.

ZBA Minutes of **March 4, 2020** were filed with Town Clerk on: July 23, 2020

Respectfully submitted by:

**Cheryl Lutzka,
Assistant to the Zoning Board of Appeals**

cc: Town Clerk
Inspector of Buildings
Town Counsel (via email)
ZBA Members (via email)
ZBA Application File: (ZBA-2019-07 – 4 Powhatan Road (Bourdon))
ZBA Minutes file (original)