

Planning Board Meeting Minutes

June 7, 2021

Board Members

Present: Casey Campetti (Chairperson), Joyce Morrow, Al Patenaude, Chuck Walkovich and Jennifer Gingras. **Absent:** Paul J. Lonergan (Clerk)

Staff: Lisa Davis, Planning Consultant (Absent) and Cheryl Lutcza, Planning Assistant

Guests: Peter Marlowe (President, Degmar Development Corporation), David Degan (Principle, Degmar Development Corporation) Anthony Nganga (Architect, Studio 26), Patrick Flaherty (Civil Engineer), Bridget Partridge (local realtor), Gerald Couper (PCM), Mark Matthews (Select Board), Deb Fountain, Katie LaBossiere, Stephen (no last name provided), Lisa Moran

Call to Order

The remote public meeting (recorded for future broadcast by Pepperell Community Media) was called to order by Mx. Campetti at 7:00PM

Acceptance of Minutes

May 17, 2021 – The minutes were accepted as written by a motion from Ms. Morrow; seconded by Mr. Walkovich. All in favor. Mr. Patenaude abstained.

7c. NMCOG Update/DLTA Funding Request Update (given out of order)

- Mr. Walkovich stated that there was no regular NMCOG update to provide.

7:05PM – Public Hearing on Special Permit Application for Major Site Plan Review at 50 Main Street (Degmar Development Corporation):

Mx. Campetti opened the public hearing and provided an overview of the relief being requested.

Mx. Campetti asked Ms. Gingras to act as a full board member this evening, in Mr. Lonergan's absence; Ms. Gingras agreed.

Ms. Gingras read the Notice of Public Hearing into the record.

Mx. Campetti explained that the application is before the Board because the current structure on the parcel is pre-existing, non-conforming and was destroyed by fire. The Town of Pepperell Zoning Bylaw has allowances for non-conforming structures to be reconstructed after catastrophic loss, such as fire, and because there are going to be some changes to the footprint and setbacks, this has triggered a Major Site Plan Review by the Planning Board. We are looking at a 6-unit destroyed structure and a proposed reconstruction with a different 6-unit building.

Mx. Campetti invited the Applicant, Peter Marlowe of Degmar Development Corporation, to address the Board.

Mr. Marlowe introduced himself, as well as the following people present with him for the hearing: David Degan, Anthony Nganga, Patrick Flaherty, and Bridget Partridge. He provided an overview of the subject property as follows:

- The structure was originally a large, single family home, built in the 1990's and later converted to a 6-family home, consisting of 22 rooms and 6 bathrooms. After a devastating fire that broke out in July of 2019, Degmar Development purchased the property in January 2020. The original plan was to start construction as soon as possible, but the pandemic hit putting the project in slow motion. They are now eager to move forward and create a building that will fit with the architecture and character of the neighborhood
- The proposed design represents the original building in keeping with the character of Main Street, and will consist of six 2-bedroom units, each with one and one-half baths. There will be two units per floor. They are proposing four underground parking garages that will hold a total of 8 vehicles. Another four parking spaces are proposed to be located on the incline of the rear of the building. A floor-stop elevator may possibly be added, to allow retirees to downsize and not have to deal with stairs. The location is perfect for retirees
- Provided an overview of the proposed exterior design of the structure and explained that they took a lot of "pains" to make the new design look like the original structure. The proposed building will be less intrusive and will have a 10-foot offset on the right side and will be less non-conforming than the original building

Mx. Campetti asked Mr. Marlowe if he would like to share the plans he submitted. Mr. Marlowe held up a copy of his plans and provided an overview.

Mx. Campetti shared the Applicant's proposed plans on the screen for the Board and those in attendance.

Mx. Campetti asked Ms. Gingras to read review memos from other Town Boards/Departments and Lisa Davis, Planning Advisor; as well as a public comment, into the record. Ms. Gingras read the following review memos into the record: Assessor's Office; Kalene Gendron (Board of Health); Susan Smith (Inspection Department); Conservation Commission; Ken Kalinowski, DPW Director; Brian Bornemann, Fire Chief; Lisa Davis (Planning Advisor); Ron Karr (Historical Commission); Robert Cataldo (Historical Commission); and, a letter from Michael and Katherine LaBossiere (3 Crescent Street, Pepperell, MA)

Mx. Campetti inquired if the Board Members had any questions for the Applicant.

Ms. Morrow had the following comments and questions regarding the proposal:

- Inquired about the renderings that were provided and why they do not show any handicap or other access for someone that might have some type of impairment, i.e., wheelchair access, etc. Mr. Marlowe responded that they are not sure what the marketing plan is at this point, i.e., whether it will be kept as apartments or set up as condominiums. They are undecided on an elevator, as it could be cost prohibitive for this size of a building. If the building is kept as an apartment building, they do not have to provide handicapped accessible apartments; if they do condominiums, they may consider putting an elevator in and some other accessible features. Discussion ensued.
- Informed the Applicant that she would like to see a Landscaping Plan and see it on the proposed Plan. Mr. Marlowe responded that he handles all the landscaping and the Town of Pepperell would not be disappointed with his work. He referred to a photo of a 6-unit building they have previously developed in Lowell, MA, depicting the landscaping and stone wall at that project.

- Ms. Morrow concluded that it might be beneficial if the Applicant could provide the Board with a rendering of what they perceive the entire project to look like on completion. The Applicant said that he can submit a landscape design plan for the Board's approval.

Ms. Gingras had the following comments and questions regarding the proposal:

- Wonderful to see this building will be renovated/improved.
- Would like to see a Condition for 6-foot fencing along the rear lot line and two sides of the proposed structure, along with some plantings that would be 5-feet in height at time of planting, maybe arborvitae, to provide screening. She further explained that she would not be comfortable approving the proposed project without seeing a Landscaping Plan and type of plantings that would be proposed.
- Parking on Main Street is not appropriate for designation as visitor parking.
- Would the Applicant consider doing roll-a-ways for trash, possibly locating them near the snow storage area or perhaps in the parking garage. There could also be a 5th parking spot for visitors near the snow storage area.
- Would like to see a bike rack or bike storage since the building is near the Rail Trail.
- Inquired if there was a Lighting Plan for the parking area. Applicant responded that this was submitted with the Application Packet. Ms. Gingras commented that a Photometric Plan would be helpful, where the property is in a dense residential area, and she did not see where lighting would be on the Site Plan. Mx. Campetti commented that it is not on the current plan. Ms. Gingras asked if the Applicant would be using motion-sensored lighting. Applicant responded that the wall washes would have motion sensors that would go on automatically at night and the decks would have motion sensors that would be controlled by a switch from the inside.
- An elevator would be a great feature to have if you plan appeal to those 55-plus.
- Would like to see water and sewer connection details, but that would probably come later
- Explained that soil testing is important and asked if this has been done. The Applicant said that where they were not sure if the Board will approve the project; and if not, they would just rebuild what is there, and the current driveway is only two years old. Discussion ensued. Applicant asked Pat Flaherty to comment on the soil. Mr. Flaherty provided an overview on the soil, which is ancient fill, and said he is confident they can make it all work, however he doesn't want to ruin the existing driveway if they are not able to get an approval for the proposed project. He gave a brief discussion on roof drainage and runoff as well.
- Will there be fill added for the retaining wall? The Applicant responded and said they would be taking fill out.
- Discussion ensued about the proposed height of the building. The Applicant said that the proposed structure would be approximately 40 feet high. Mr. Nganga commented that it would be approximately 10 feet per floor. If there is an elevator, it will be taller (approximately 12 feet). Discussion ensued regarding height of the proposed structure versus the height of the current structure.
- Ms. Gingras concluded that although the building is small, and it is not required by code, it would be nice to see one unit that is ADA accessible

Mr. Patenaude had the following comments and questions regarding the proposal:

- Would like to see actual dimensions on the elevations, as the proposed structure will be approximately six to eight feet taller than the existing structure. He explained that under Section 3582 of the Zoning Bylaw, the house is considered a catastrophe, and the new structure would need to fall within the same footprint and height. If there is a deviation outside of that, it would have to go to the Zoning Board of Appeals and then to the Planning Board. He said that he would like to see a Plan overlaying the new structure over the existing structure, as it falls outside of the footprint. The cantilevered balconies need to be shown on the footprint of the building, not just a foundation footprint, as that can be deceiving.
- Regarding the abutters to the right, left and rear, these structures need to be shown on the plan to give us an idea where the balconies overlook or how intrusive they could be in relation to the abutters, which needs to be kept in mind.
- Would like to see true calculations on the drainage. Utilizing the property across the street for soil testing is not appropriate. Would like to know if the topography needs to be modified to catch runoff in the system and the roof drain(s) need to be shown and where it is being pushed to. This is important with a mansard-style roof
- If there are to be individual trash roll-a-ways for the six units, he would like to see a location identified for them, as they cannot be left on the sidewalk. Maybe there could be a small spot designated near the drainage manhole. The Applicant responded and said that in their experience, roll-a-ways do not work, and the location of a proposed dumpster is the perfect area for this property.
- Discussion ensued regarding visitor parking. The Applicant said that visitor parking for the first four units, could be located in front of their garage doors. Mr. Patenaude said the ability to park in front of the garages would be great to note. The Applicant further elaborated on the negative aspects about the existing structure and said they are trying to make it better. They are on a deadline and must do something before the 2-year deadline for reconstruction, which is coming up in July. Discussion ensued on ramifications of 2-year date to reconstruct from burn date and Town of Pepperell regulations and flexibility regarding that.
- Mr. Patenaude commented that if a retaining wall was going to be installed, he would like to request that the Applicant push it back a foot or two off the property line to minimize potential damage to the wall by our Town plows.
- The greenscape that is in the design would be beneficial, but the Board would need a Plan for that. He said he would like to call out whatever we can do for water conservation. This is an area serviced by Town Water and while everyone wants beautiful green spaces we must be conscious of what goes in here so we are not asking someone to put in a ton of plantings they can't water. We have a water ban in Town right now, so maybe they could put in some type of cistern for watering.
- There are some mature trees located in the rear of the property, that are not shown on the existing conditions. Some of the trees have come down in the past and he would like the Applicant to look at the trees and see if they need to be pruned or removed. Applicant responded that they have had addressed that tree in the back, left corner, near the LaBossierre property; it has a lot of bad limbs, and we are going to remove that tree if it is on our property.

- Mr. Patenaude concluded that his biggest concern is getting a view on what the proposed true elevations are in comparison to the existing elevation. He said that he likes the mansard-style roof and that the project is a great fit for Pepperell, however he wants to make sure that we don't create anymore issues in this tight little area.

Mr. Walkovich had the following comments and questions regarding the proposal:

- Lighting is important and we do have the diagrams in there
- Based on the conversations I believe we can make the parking fit
- This is a good project that would benefit the downtown
- If economically feasible, is in favor of the building having an elevator
- Making the project somewhat affordable housing for seniors would be an added benefit for the town and shows where we are trying to head, as there is an increase in our seniors that are going to be needing housing.

Mx. Campetti had the following comments and questions regarding the proposal:

- Has a few comments on a couple of items, such as the Applicant's comfort level on some things that may become a condition for approval or revision
- Would like to address the style of lighting. The suggestion for an actual Photometric Plan is a great idea, so we can get a better sense of positioning. Would like to ask about having light fixtures that are shielded and potentially putting a limit on the coolness of the light, going for a warmer type of light (2700 Kelvin or below). I would like to gauge your willingness to possibly change light fixture style to make sure that we are avoiding glare and light trespass, especially with some other structures so close to the proposed building. The Applicant responded that the lighting schedule submitted was for completely shielded lights and it can be very difficult, with the LED's, to get lights under 2700, as the lowest some of them go is 3000. The LANFU wall fixture provides accent on the front of the building. The other lighting, down below, would be shielded to light up the parking area when someone pulls in. The lighting would be mounted and can be pivoted to shine down. Mx. Campetti reiterated that a Photometric Plan would be useful.
- Mx. Campetti discussed balconies and fencing with the Applicant. The Applicant said that he met with the abutters on the left-hand side and their biggest concern was that they were sliding the building over and the abutters were happy about that.
- Mx. Campetti said she is very supportive of the potential for an elevator, whether for the current project, or to be installed later.
- She asked if the Applicant had considered a different design for the roof façade. Discussion ensued regarding the roof façade being visible from the street. Mx. Campetti said she still had concern with having the structure be visible over the top. Applicant said it will only be high if an elevator is installed. If an elevator is not installed it won't be there.
- Inquired where the HVAC will be located. Applicant responded that the units will be heated and air-conditioned with mini-split units that will be inside the building and the condensers will be in the back of the building or on the roof.

- Inquired about mailbox locations. Applicant responded that would be up to the Postmaster and he would need to meet with him to discuss. Mr. Patenaude added that the Postmaster will want a community mailbox pulled off of the street, probably on the drain manhole side.
- Said that she was not particularly concerned with having 12 parking spaces versus the 13 parking spaces that would technically be required, and she would be supportive of a waiver on that.
- Concerned with whether the amount of snow storage is sufficient and where a large pile of snow would be melting and running off to.
- Does the Applicant intend to retain the large maple tree located in the front corner of the property? The Applicant responded that he is not sure if the tree will stay or not at this point and will need to look at that.

Mx. Campetti opens the meeting up to public comments. The following members of the public addressed the Board:

- Mr. Moran, (58 Main Street), addressed the Board and said he had a couple of concerns and his property is immediately to the East of the subject property. He said that as far as parking on Main Street, that there is signage that prohibits that. His biggest concern is rainwater mitigation, lack of an Elevation Plan and understanding of how rainwater will be mitigated. From his perspective the 4000 square foot existing building is going to be put into an 8000 square foot building. He already has some issues at his house. He is downstream during the rainy season and any additional roof and paving could aggravate his issue. Would like the Planning Board to know this is something he is very, very concerned about. Asked that consideration be given to have parking lot lighting be on put on poles and installed along the most eastward side of the property, as he already has light coming in from the new Dunkin Donuts across the street and would not want more light coming in from the western side. He asked how many bedrooms were in the current structure and how many bedrooms are proposed for the new structure. Is that something that can be addressed. If there are going to be more bedrooms there are going to be more folks living in that property.
- Deb Fountain (48 Wheeler Street), addressed the Board concerning the Landscaping Design Plan, and in view of the Master Plan, hoped that the Planning Board would request that the developer use more native plants in the landscaping, which would require less water. Arborvitaes are native plants and would be wonderful. Ms. Fountain offered her services regarding identifying native plans.

Mx. Campetti inquired if there were any more public comments. None.

Mx. Campetti asked the Applicant about the number of bedrooms in the current structure and the number of bedrooms for the proposed project. The Applicant responded and said that the current structure has 10 bedrooms and the proposed structure would be 12 bedrooms with 1-1/2 bathrooms (an increase of 2 bedrooms and 6 half baths).

Applicant discussed flow tests and water and sewer lines. Applicant said that calculations are yet to be done.

Mx. Campetti asked if the Board would like to discuss what they are going to do regarding the waiver request for 12 parking spaces, instead of the 13 required parking spaces. Mr. Patenaude explained that the Applicant may not need the parking waiver, as four additional parking spaces could go along the building

in front of the garage doors. That would provide the Applicant with 16 total parking spaces. Discussion ensued. The Board would need the Applicant to show the parking spaces on the Plan. Discussion ensued. Mx. Campetti, Ms. Gingras, Mr. Walkovich and Ms. Morrow agree that there is no need for a parking waiver.

Mr. Patenaude asked about the question regarding the two-year deadline to reconstruct. How would/could the Board address this. Could this be a waiver request or a condition? Discussion ensued as to whether or not the Board could grant an extension. Mx. Campetti asked the Applicant if two weeks would be enough time for him to provide updated materials. Applicant responded that two weeks would not be enough time to do test pits, however some of the other items could be done (Photometric Plan and Landscaping Plan).

Ms. Gingras asked if the reconstruction is outside of the footprint of the original structure, would that require the Applicant to go before the Zoning Board of Appeals. Mx. Campetti said that would be a question for the Zoning Officer. The Applicant addressed the Board and stated that they currently have a demolition permit in hand, but he is not going forward with that unless he gets approval from the Planning Board. He said he is in a Catch-22 situation and up against the wall on a timeline.

Mr. Patenaude commented that he believes that having a demolition permit in hand closes the issue on the two-year deadline, per Massachusetts General Law and this closes the issue on the two years. That clears it for me.

Bridget Partridge addressed the Board and said that she met with Sue Smith (Inspection Department) many times regarding demolition the permit and she said the same thing that Mr. Patenaude said regarding the demolition permit and there are probably special circumstances due to the Covid-19 pandemic. Ms. Smith said the demolition permit could help. An elevator would be great for “downsizers”.

Mx. Campetti said that the demolition permit may indicate that the time constraint could be off the table. The Board will clarify that before the next time we meet.

Ms. Gingras commented that the Governor’s Order from March 2020, extended the time period for granting permits to not start again until 45 days after the State of Emergency ends on June 15, 2021., so the time clock wouldn’t start ticking again until after 45 days after June 15, 2021. Mx. Campetti responded and said she wasn’t sure if that would cover the Major Site Plan Review. The Board will need clarification from Bob Kelly on this and Mx. Campetti will consult with the Board’s Planning Advisor, Ms. Davis, on this tomorrow (6/8/21). Mr. Patenaude agreed with Mx. Campetti. The Board can put together a punch list together and Bob Kelly can provide an answer regarding the two years and demolition permit.

Mx. Campetti provided the following list of items to be addressed by the Applicant:

- Water and Sewer
- Photometric Plan for Lighting
- Landscaping Plan
- Update Plan to show cantilever balconies as part of the all over footprint of the building.
- Showing Roof Drain
- Pushing retaining wall back a foot...
- Showing numbers for elevations on the plan
- Adding 6-foot fencing on 3 sides and 5-foot plantings

Mr. Patenaude added the following to the above list:

- 6-foot fencing should start in line with front elevation of the building
- Depending on how engineer feels, the roof drain can probably be put out back in the snow storage area and allow them to do some sort of infiltration area in the snow storage area. This would benefit of the Moran's
- Soil Samples and concerns for DPW
- Balconies – how do they sit in relation to abutters and privacy for abutters
- Show additional parking spaces onto the Plan
- Elevator Shaft – Simple solution would be to do a mansard design along the top cap.

Ms. Morrow added the following to the above list:

- All lighting should be pointed away from the abutters, so there is no light trespassing
- All building lighting should be soft and not penetrating outside of the area

Mx. Campetti commented that Photometric Plan needs to show lighting concerns

Ms. Gingras commented that the height of the fencing (6-feet in height) and plantings (5-foot arborvitae) should be included on a Landscape Plan

Applicant addressed Board and commented that the only issue he has is if Bob Kelly can provide him with a letter stating that he can go beyond the July deadline. He asked when the Board's next meeting in July is, as he believes he will need four weeks to put this together.

Mx. Campetti explained that the Board's next meeting dates are scheduled for June 21, 2021 and July 19, 2021. Mr. Marlowe responded that those dates could work for him as long as he gets a letter from the Building Inspector stating he is safe because he has a permit for the demolition,

Mr. Patenaude asked if the Board could continue the public hearing to June 21, 2021, which would give time to get information from both Bob Kelly and Lisa Davis. Mx. Campetti said that if there is nothing to report on June 21st we can just continue again. Applicant said that he would be okay with continuing the public hearing to June 21, 2021. Discussion ensued between Mx. Campetti and Applicant.

Mx. Campetti asked for a motion to continue this public hearing to June 21, 2021 at 7:05p.m. Mr. Patenaude moved to continue the public hearing for 50 Main Street to June 21, 2021 at 7:05p.m. Mr. Walkovich seconds. All in favor.

5. Plan Endorsement (None)

6. Action Items (None)

7. Reports/Correspondence/Discussion: *(matters that may arise that the Chair didn't reasonably anticipate)*

a. Local Resource Recovery Planning Grant: *(No discussion in absence of Ms. Davis)*

b. Master Plan Implementation Team Update: Mr. Walkovich said that a presentation (similar to one made to Planning Board) was made to the Select Board last week. The Team met again today for a review and will be making a formal presentation at Town Meeting on Saturday.

c. NMCOG Update/DLTA Funding Request *(discussed during 7:02p.m. timeslot)*

d. One Stop for Community Growth Application: The application was submitted last week. There was a lot of work put in by Margaret Scarsdale, Joyce Morrow, Stephen Themelis, Mark Matthews (and possibly others).

8. Future Meetings:

A. June 21, 2021

B. July 19, 2021

The meeting was adjourned at 9:10PM by a motion from Ms. Morrow, seconded by Mr. Walkovich. All in favor

Respectfully submitted by Cheryl Lutcza, Planning Assistant