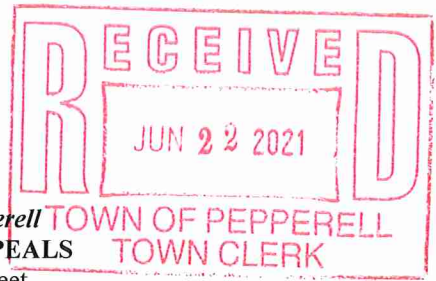


*Town of Pepperell*  
**BOARD OF APPEALS**  
One Main Street  
Pepperell, Massachusetts 01463



**NOTICE OF DECISION**

**ZBA File No: 2021-01**

Notice is hereby given that a Zoning Board of Appeals **Variance and Special Permit** have been **granted**:

**To:** Lynne E. Archambault

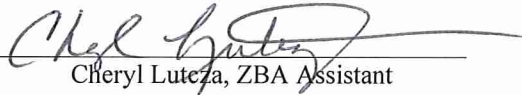
**For:** A **Variance** to locate the proposed accessory apartment outside the principal residential structure, as an addition to be newly constructed and attached to an existing detached garage; and a **Special Permit** to allow a new accessory apartment

**Property Located at:** 35 Mount Lebanon Street, Pepperell, MA, as shown on Assessor's Map 33, as Parcel 56-0.

**Owned by:** Lynne E. Archambault

This Decision of the Zoning Board of Appeals is on file with the papers on this matter in the office of the Town Clerk. Certified this the 22<sup>nd</sup> day of June 2021:

Zoning Board of Appeals:

  
Cheryl Luteza, ZBA Assistant

**RIGHT TO APPEAL:**

Appeals to this Decision are to the Court pursuant to the M.G.L., Chapter 40A, Section 17, and must be taken within twenty (20) days of the filing of this Decision with the Town Clerk.

**TOWN CLERK CERTIFICATION:**

I certify no appeal has been received within twenty (20) days of the filing of this notice in my office, or that if an appeal has been filed it has been dismissed or denied.

\_\_\_\_\_  
Brynn Montesanti, Town Clerk

**NOTICE TO APPLICANT:**

Having received certification from the Town Clerk, it shall be the responsibility of the Applicant to have recorded **both** this NOTICE OF DECISION **and** the VARIANCE and SPECIAL PERMIT DECISION at the South Middlesex Registry of Deeds and indexed in the grantor index under the name of the owner of record or recorded and noted on the owner's certificate of title. Fee for recording shall be paid by the owner or applicant. NO BUILDING PERMITS or CERTIFICATES OF OCCUPANCY shall be issued by the Building Inspector until notice of attestation by the Registry of Deeds is made to the Town Clerk by filing a copy of this notice with the recording date and document number noted.

**ATTESTATION:**

Received and entered with the Registry of Deeds in the County of Middlesex, South

ATTEST:

\_\_\_\_\_  
Register of Deeds

**Town of Pepperell ZBA Decision No: 2021-01-Variance & Special Permit: 35 Mount Lebanon St.**



*Town of Pepperell*  
**BOARD OF APPEALS**  
One Main Street  
Pepperell, Massachusetts 01463

**DECISION**

**APPLICATION #:** 2021-01

**APPLICANT:** Lynne E. Archambault

**OWNER OF PROPERTY:** Lynne E. Archambault

**LOCATION OF PROPERTY:** 35 Mount Lebanon Street, Pepperell, MA

**RELIEF REQUESTED:** Variance and Special Permit

**DECISION OF BOARD:** **Granted Variance and Special Permit**

**DATE OF DECISION:** May 27, 2021

**STATEMENT OF FACTS:**

Application submitted to Town Clerk: April 7, 2021

Cited Section(s) of the Zoning Chapter of the Code of the Town of Pepperell and any other applicable Zoning Law: 3433, 3400, 3431-3435 and 9300.

Application copied to the Assessor's Office, Building Inspector, Planning Board, Conservation Commission, Pepperell Police Department, Pepperell Fire Department, DPW Director, Highway Department, Board of Health, Water Department, Sewer Department, Communications Director, Treasurer/Collector, Historical Commission and Town Counsel: April 8, 2021

Dates of published Notice of Public Hearing: May 7, 2021 and May 14, 2021 issues of the "Nashoba Valley Voice".

Notification of parties in Interest: Mailed Notice of Public Hearing to abutters and to the abutting towns of Groton, MA; Townsend, MA; Dunstable, MA; Brookline, NH; Hollis, NH; and Nashua, NH on May 6, 2021.

Date of Remote Public Hearing: May 27, 2021

Board of Appeals Members present at the remote Public Hearing of May 27, 2021: Mark Walsh, Annette McLean, Sean McCaffery, Alan Leao, Jr. and Heather Hampson. Also present, Cheryl Lutzca (Assistant to Zoning Board of Appeals).



**Town of Pepperell ZBA Decision No: 2021-01-Variance & Special Permit: 35 Mount Lebanon St.**

**CONTENTS OF TOTAL APPLICATION:**

Exhibit A:	Certified List of Abutters – April 5, 2021
Exhibit B:	New Application Memo to Town Boards/Departments – April 8, 2021
Exhibit C:	New Application Memo to ZBA Members – April 8, 2021
Exhibit D:	Response from Highway Department – April 8, 2021
Exhibit E:	Response from Water and Sewer Departments – April 8, 2021
Exhibit F:	Notice of Public Hearing – May 27, 2021
Exhibit G:	Response from Assessor’s Office – April 8, 2021
Exhibit H:	Response from Fire Chief – May 10, 2021
Exhibit I:	Hearing and Fees Letter to Applicant – May 11, 2021
Exhibit J:	Response from Conservation Commission – May 2, 2021
Exhibit K:	Legal Notice Copy from Nashoba Valley Voice – May7, 2021
Exhibit L:	Response from Board of Health – May 12, 2021
Exhibit M:	Legal Notice Copy from Nashoba Valley Voice – May 14, 2021
Exhibit N:	Response Memo to ZBA from C. Lutzca – May 19, 2021
Exhibit O:	Email from Robert Kelly, Inspector of Buildings, confirming square footage on floor plan for proposed accessory apartment.
Exhibit P:	Remote Hearing Attendance Sheet

**FEES:**

Applicant paid to the Town of Pepperell (1) filing fees of \$230.00; (2) a postage fee in the amount of \$41.77, to notify Parties in Interest of the Public Hearing and Decision; and (3) a fee to the “Nashoba Valley Voice” in the amount of \$343.20, for the legal advertising of the public notices.

**STATEMENT OF CASE:**

The Board of Appeals conducted a remote public hearing on May 27, 2021, regarding an application submitted by Lynne E. Archambault, requesting a Zoning Board of Appeals **SPECIAL PERMIT**, under Sections 3400, 3431-3435 and 9300 of the Town of Pepperell Zoning Bylaw, to allow a new accessory apartment, and a **VARIANCE**, from Section 3433 of the Town of Pepperell Zoning Bylaw, to locate the proposed accessory apartment outside the principal residential structure, as an addition to be newly constructed and attached to an existing detached garage. Subject property is located at 35 Mount Lebanon Street, Pepperell, MA, as shown on Assessor's Tax Map 33 as Parcel 56-0 in the Town Residential District. The remote public hearing was held via GoToMeeting.

Applicant, Lynne E. Archambault, was present at the remote public hearing and addressed the Board regarding the relief being requested. There were no abutters present at the remote public hearing. There were members of the public present at the remote public hearing. Motion was made, and all Board Members concurred, to **grant** the requested relief, a Variance and a Special Permit.

Details of the remote public hearing are available in the Zoning Board of Appeals Meeting Minutes of May 27, 2021. This remote public hearing was recorded for future broadcast by Pepperell Community Media, Inc.

**FINDINGS:**

1. The subject property is located at 35 Mount Lebanon Street, Pepperell, MA, as shown on Assessor's Map 33 as Parcel 56-0.
2. The property is located in the Town Residence District.
3. Abutters were not present at the remote public hearing.
4. Members of the public were present at the remote public hearing.
5. Subject property is serviced by a private well.
6. Subject property is serviced by a private septic system.
7. Compliance with the Town of Pepperell Zoning By-law, due to circumstances particular to the land, relating to shape, would create a substantial hardship.
8. A Variance pursuant to Section 9222 may be granted with respect to Sub-Section 3433 of the Zoning Bylaw without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the Town of Pepperell Zoning By-law.
9. Pursuant to Section 3431 of the Town of Pepperell Zoning By-law, a Plot Plan was submitted.
10. Pursuant to Section 3432 of the Town of Pepperell Zoning By-law, an Affidavit of Owner-Occupancy has been submitted stating that one of the two dwelling units shall be occupied by the owner of the property except for bona fide temporary absence.
11. The proposed accessory apartment has a gross floor area of 800 square feet, thereby meeting the criterion under Section 3433 of the Town of Pepperell Zoning By-law that the accessory apartment does not exceed 800 square feet in gross floor space. Pursuant to Finding 8 above, the proposed accessory apartment will **NOT** be located in the principal residential structure on the premises, instead it will be attached to the existing detached garage.
12. As required by Section 3434 of the Town of Pepperell Zoning Bylaw, the external appearance of the structure in which the accessory apartment is to be located will not be significantly altered from the appearance of a single-family structure.
13. As required by Section 3435 of the Town of Pepperell Zoning Bylaw, there is sufficient and appropriate space for at least (1) additional parking space to serve the accessory apartment.
14. As required by Section 3440 of the Town of Pepperell Zoning Bylaw, the existence and occupancy of the accessory apartment will not be detrimental to the neighborhood and is in harmony with the general purpose and intent of the Zoning Bylaw.
15. As required by Section 9320 of the Town of Pepperell Zoning Bylaw, the use will not cause substantial detriment to the Town or neighborhood.

**CONDITIONS:**

1. The Applicant shall apply for and obtain all necessary permits and all construction shall be in accordance with all applicable state and local codes and regulations.
2. The granting of the dimensional variance under the Pepperell Zoning Bylaw does not relieve the Applicant of the responsibility of complying with all other state and local statutes and regulations affecting the premises.
3. The Applicant shall apply for and obtain all necessary permits, and the accessory apartment shall be maintained in accordance with all applicable state and local codes and regulations.
4. The special permit for the accessory apartment hereunder shall not be construed as exempting the Applicant from compliance with applicable building, environmental and sanitation regulations currently in force and effect.
5. The Applicant shall obtain an occupancy permit prior to any occupancy of the accessory apartment.

**CONCLUSION:**

The Board of Appeals finds that the requested relief, a **VARIANCE**, from Section 3433 of the Town of Pepperell Zoning Bylaw, to locate the proposed accessory apartment outside the principal residential structure, as an addition to be newly constructed and attached to an existing detached garage, may be **granted**.

The Board of Appeals finds that the requested relief, a **SPECIAL PERMIT**, under Sections 3400, 3431-3435 and 9300 of the Town of Pepperell Zoning Bylaw, to allow a new accessory apartment, may be **granted**.

Subject property is located at 35 Mount Lebanon Street, Pepperell, MA, as shown on Assessor's Tax Map 33 as Parcel 56-0, and the requested relief may be **granted** without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the Town of Pepperell Zoning Bylaw.

**DECISION:**

Based on the foregoing findings and conclusions, the Board of Appeals **grants** the requested relief, a **VARIANCE** from Section 3433 of the Town of Pepperell Zoning Bylaw to locate the proposed accessory apartment outside the principle residential structure, as an addition to be newly constructed and attached to an existing detached garage.

Based on the foregoing findings and conclusions, the Board of Appeals **grants** the requested relief, a **SPECIAL PERMIT**, under Sections 3400, 3431-3435 and 9300 of the Town of Pepperell Zoning Bylaw, to allow a new accessory apartment.

Subject property is located at 35 Mount Lebanon Street, Pepperell, MA, as shown on Assessor's Tax Map 33 as Parcel 56-.

**So decided this 27th day of May 2021 by roll call vote as listed:**

Mark Walsh: Aye


Annette McLean: Aye

Sean McCaffery: Aye


**Town of Pepperell ZBA Decision No: 2021-01-Variance & Special Permit: 35 Mount Lebanon St.**

**CERTIFICATIONS:**

We, the undersigned members of the Board of Appeals of the Town of Pepperell, certify that we attended and participated in all of the hearings, the decision and the order of the above matter, that said hearings and decision were made at public meetings of the Board and that we made the foregoing decision with the undersigned members voting by roll call vote.

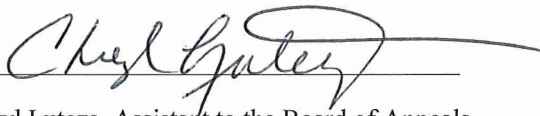
  
\_\_\_\_\_  
Mark Walsh

  
\_\_\_\_\_  
Annette McLean

  
\_\_\_\_\_  
Sean McCaffery

**ASSISTANT TO THE BOARD OF APPEALS:**

A copy of this decision was transmitted to the Town Clerk on: June 22, 2021

  
\_\_\_\_\_  
Cheryl Lutzca, Assistant to the Board of Appeals

