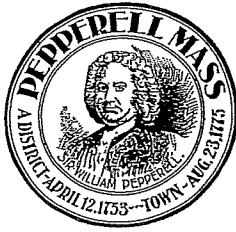
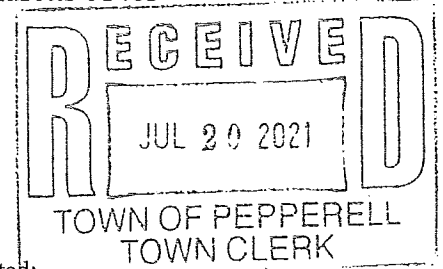


 **COPY**



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



NOTICE OF DECISION

ZBA File No: 2021-03

Notice is hereby given that a Zoning Board of Appeals Special Permit has been granted:


To: Stephen and Judith Kakaira

For: Special Permit to allow an Accessory Apartment

Property Located at: 46 Main Street, Pepperell, MA, as shown on Assessor's Map 23, as Parcel 82-0.

Owned by: Stephen Kakaira

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 20th day of July 2021:

Zoning Board of Appeals: 
Cheryl Lutczka, 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 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.

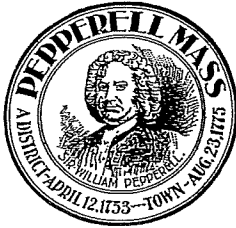
ATTESTATION:

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

ATTEST:

Register of Deeds

Town of Pepperell ZBA Decision No: 2021-03-Special Permit: 46 Main Street



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

DECISION

APPLICATION #: 2021-03

APPLICANT: Stephen and Judith Kakaira

OWNER OF PROPERTY: Stephen Kakaira

LOCATION OF PROPERTY: 46 Main Street

RELIEF REQUESTED: Special Permit

DECISION OF BOARD: Granted

DATE OF DECISION: July 1, 2021

STATEMENT OF FACTS:

Application submitted to Town Clerk: May 6, 2021

Cited Section(s) of the Zoning Chapter of the Code of the Town of Pepperell and any other applicable Zoning Law: 9300, 9220, 9221 and 3400-3440.

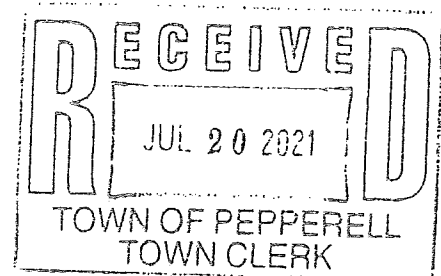
Application copied to the Assessor's Office, Building Inspector, Planning Board, Conservation Commission, Pepperell Police Department, Pepperell Fire Department, DPW Director, Highway Department, Board of Health, Water Department, Sewer Department, Communications Director, Treasurer/Collector, Historical Commission and Town Counsel: May 6, 2021

Dates of published Notice of Remote Public Hearing: June 11, 2021 and June 18, 2021 issues of the "Nashoba Valley Voice".

Notification of Parties in Interest: Mailed Notice of Remote Public Hearing to abutters and to the abutting towns of Groton, MA; Townsend, MA; Dunstable, MA; Brookline, NH; Hollis, NH; and Nashua, NH on June 10, 2021

Date of Remote Public Hearing: July 1, 2021

Board of Appeals Members present at Remote Public Hearing of July 1, 2021: Annette McLean, Alan Leao, Jr. and Heather Hampson. Also present, Cheryl Lutcza (Assistant to Zoning Board of Appeals).



CONTENTS OF TOTAL APPLICATION:

- Exhibit A: Certified List of Abutters – February 24, 2021
- Exhibit B: New Application Memo to ZBA Members – May 6, 2021
- Exhibit C: New Application Memo to Town Boards/Departments – May 6, 2021
- Exhibit D: Response from Fire Department – May 10, 2021
- Exhibit E: Response from Conservation Commission – May 10, 2021
- Exhibit F: Response from Sewer Department – May 6, 2021
- Exhibit G: Response from Highway Department – May 6, 2021
- Exhibit H: Notice of Public Hearing – July 1, 2021
- Exhibit I: Hearing and Fees Letter to Applicant – June 15, 2021
- Exhibit J: Legal Ad Copy from Nashoba Valley Voice – June 11, 2021
- Exhibit K: Response Memo to ZBA from C. Lutcza – June 22, 2021
- Exhibit L: Legal Notice Copy and Bill from Nashoba Valley Voice for June 11, 2021 and June 18, 2021 Notice of Public Hearing publications
- Exhibit M: Remote Hearing Attendance Sheet – July 1, 2021

FEES:

Applicant(s) paid to the Town of Pepperell (1) a filing fee of \$115.00; (2) a postage fee in the amount of \$24.79, to notify Parties in Interest of the Remote Public Hearing and Decision; and (3) a fee to the “Nashoba Valley Voice” in the amount of \$327.36, for the legal advertising of the public notices.

STATEMENT OF CASE:

The Board of Appeals conducted a remote public hearing on July 1, 2021, regarding an application submitted by Stephen and Judith Kakaira, requesting a Zoning Board of Appeals **SPECIAL PERMIT**, under Sections 9300, 9220, 9221 and 3400-3440 of the Town of Pepperell Zoning By-Law, which, if granted, would allow an accessory apartment within an existing dwelling. Subject property is located at 46 Main Street, Pepperell, MA, as shown on Assessor's Map 23 as Parcel 82-0. The remote public hearing was held via GoToMeeting.

Applicants, Stephen and Judith Kakaira, were 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 no members of the public present at the remote public hearing. Applicants submitted an “Affidavit of Owner Occupancy,” with their application, stating that they will occupy one unit of the subject property as their primary residence, except for bona fide temporary absence, while two units exist. Motion was made, and all Board Members concurred, to **grant** the requested relief.

Details of the remote public hearing are available in the Zoning Board of Appeals Meeting Minutes of July 1, 2021. This remote public hearing was recorded for future broadcast by Pepperell Community Media, Inc.

FINDINGS:

1. The subject property is located at 46 Main Street, Pepperell, MA, as shown on Assessor's Map 23 as Parcel 82-0.
2. The subject property is in the Urban Residence District.
3. Abutters were not present at the remote public hearing.
4. Members of the public were not present at the remote public hearing.
5. Subject property is serviced by municipal sewer.
6. Subject property is serviced by municipal water.
7. Pursuant to Section 3431 of the Town of Pepperell Zoning By-law, a Plot Plan was submitted.
8. 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.
9. The proposed accessory apartment has a gross floor area of 722 square feet, which is less than 800 square feet, thereby meeting the criterion under Section 3433 of the Town of Pepperell Zoning By-law that an accessory apartment not exceed 800 square feet in gross floor space. The proposed accessory apartment will be located in the principal residential structure on the premises.
10. As required by Section 3434 of the Town of Pepperell Zoning By-law, 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.
11. As required by Section 3435 of the Town of Pepperell Zoning By-law, there is sufficient and appropriate space for at least (1) additional parking space to serve the accessory apartment.
12. As required by Section 3440 of the Town of Pepperell Zoning By-law, 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 By-law.
13. As required by Section 9320 of the Town of Pepperell Zoning By-law, the use will not cause substantial detriment to the Town or neighborhood.

CONDITIONS:

1. The Applicants 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.
2. The special permit for the accessory apartment hereunder shall not be construed as exempting the Applicants from compliance with applicable building, environmental or sanitation regulations currently in force and effect.
3. The Applicants shall obtain an occupancy permit prior to any occupancy of the accessory apartment.

CONCLUSION:

The Board of Appeals finds that the requested relief, a **SPECIAL PERMIT**, under Sections 9300, 9220, 9221 and 3400-3440 of the Town of Pepperell Zoning By-Law, to allow an accessory apartment within the existing dwelling, at the subject property located at 46 Main Street, Pepperell, MA, as shown on Assessor's Map 23 as Parcel 82-0, is consistent with the purpose and conditions for such a use, as set forth in the Town of Pepperell Zoning By-law, Section 3400, and therefore the requested relief may be **granted**.

DECISION:

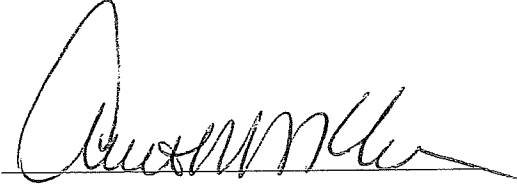
Based on the foregoing findings and conclusions, the Board **grants** the requested relief, a **SPECIAL PERMIT** under Sections 9300, 9220, 9221 and 3400-3440 of the Town of Pepperell Zoning By-law, to allow an accessory apartment within the existing dwelling at the subject property, 46 Main Street, Pepperell, MA, as shown on Assessor's Map 23 as Parcel 82-0.

So decided this 1st day of July 2021 by roll call vote as listed:

Annette McLean	Aye
Alan Leao, Jr.:	Aye
Heather Hampson:	Aye

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.



Annette McLean



Alan Leao, Jr.



Heather Hampson

ASSISTANT TO THE BOARD OF APPEALS:

A copy of this decision was transmitted to the Town Clerk on: July 20, 2021



Cheryl Lutzka, Assistant to the Board of Appeals

