

Town of Pepperell Planning Board

1 Main Street, Pepperell, Massachusetts 01463-1644
978-433-0336 Phone 978-433-0338 Fax
planning@town.pepperell.ma.us

NOTICE OF DECISION

In accordance with MGL Chapter 40-A Sections 9 and 11 and Section 7300 of the Pepperell Zoning Bylaw, the Special Permit was **granted** on October 5, 2020 subject to the conditions contained within the Special Permit Decision.

FILE: SP2020-05

APPLICANT: New View Remodeling & Construction
151 Brigham Street
Dracut, MA 01826

LOCATION OF PROPERTY:
33-35 Hollis Street, Assessors Map 22, Lot 30

OWNER OF PROPERTY: Richard Colangelo & Todd Drew
3062 Pignatelli Crescent
Mt. Pleasant, SC 29466

DATE OF DECISION: October 5, 2020

The Decision of the Planning Board is on file with the papers on this matter in the Office of the Town Clerk.

Certified this 20th day of October, 2020.

PLANNING BOARD: Lisa Davis
Lisa Davis, Consultant to the Planning Board

RIGHT TO APPEAL

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

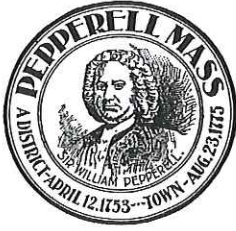
TOWN CLERK CERTIFICATION

I certify no appeal has been received in my office within the time required by law.

Brynn Montesanti
Brynn Montesanti, Town Clerk



November 12, 2020



Town of Pepperell Planning Board

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SPECIAL PERMIT DECISION



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STATEMENT OF FACTS:

- a) Special Permit Application Submitted to Planning Board on August 27, 2020.
- b) Applicable Sections of the Zoning Bylaw, Town of Pepperell, Massachusetts, September 17, 2001, as amended: Section 7300 Multi-family Residential Development.
- c) Dates of Published Notice of Hearing: September 4, 2020 and September 11, 2020 in the Nashoba Valley Voice
- d) Notification of Parties in Interest: Mailed notices, including notification to the abutting towns of Groton, Townsend, and Dunstable in Massachusetts and Brookline, Hollis and Nashua in New Hampshire on August 10, 2020.
- e) Date(s) of Hearing: September 21, 2020 (via video conference) and October 5, 2020 (via video conference).
- f) Planning Board Members present at all Hearings: Casey Campetti, Travis , Paul J. Lonergan. and Joyce Morrow (Alternate). Members absent: Al Patenaude from October 5, 2020.

- g) The Application, a Certified Abutters list, a filing fee of \$950.00, a Stormwater Management & Erosion Control Plan dated November 7, 2007 and last revised July 15, 2020 was submitted with the following plans: “Layout Plan in Pepperell, MA for 33 Hollis Street” dated November 7, 2007 and last revised July 15, 2020; “Grading and Erosion Control Plan in Pepperell, MA for 33 Hollis Street” dated November 7, 2007 and last revised July 15, 2020.
- h) On August 10, 2020, the Application was circulated to the Assessor, Fire Chief, Police Chief, Board of Health, Building Inspector/Zoning Officer, Conservation Commission, Historical Commission, Planning Board Advisory, DPW/Highway Department, DPW/Water Department and DPW/Town Engineer.
- i) The Town Engineer submitted a comment letter dated September 11, 2020.
- j) In an email dated September 10, 2020, Conservation Agent Terrasi indicated that the onsite wetlands are not within a water resource area so that the 50 foot setback for stormwater infrastructure does not apply.
- k) In an email dated September 16, 2020, the Historical Commission indicated that it had no comment on the Special Permit application.
- l) In an email dated September 16, 2020, the Zoning Officer, Robert Kelly determined that the existing single family home maintains its preexisting non-conforming status even though it is part of a multi-family residential development.
- m) In an email dated September 17, 2020, Chief Borneman indicated that he had no comments on the Special Permit application.
- n) The Nashoba Associated Boards of Health submitted a comment letter dated October 6, 2020.
- o) The Applicant submitted a revised layout plan entitled “Layout and Landscape Plan in Pepperell Ma for 33-35 Hollis Street” dated November 7, 2007 and last revised September 25, 2020, “A Grading and Erosion Control Plan in Pepperell, MA for 33-35 Hollis Street” dated November 7, 2007 and last revised September 25, 2020 and “Utility Plan in Pepperell, MA for 33-35 Hollis Street” dated November 7, 2007 and last revised September 25, 2020.
- p) The Applicant submitted a response to comment letter dated September 25, 2020.
- q) On September 25, 2020, the Applicant submitted the following Architectural Drawings: A-1 Front Elevation; A-2 Rear Elevation, A-3 Left Elevation and A-4 Right Elevation.

PROJECT NARRATIVE

The Applicant is seeking a Special Permit to construct three new detached single family dwellings on a 44,844 sq. ft. parcel located at 35 Hollis Street, The three proposed dwellings along with an existing single family home comprise what is referred to as the” Project”. The Project site is located in the Urban Residence zoning district which allows for multifamily residential subject to the receipt of a Special Permit from the Planning Board. A Special Permit for the Project was granted by the Pepperell Planning Board in March of 2008 but the improvements were not made and the permit (SP 2001-11) has lapsed. The proposed Project is substantially the same as the previously approved project.

FINDINGS

Upon the close of the public hearings, the Planning Board made the following findings of fact regarding this Application: The Board finds that the Zoning By-Law's criteria for the issuance of a Special Permit are satisfied by the Application as presented, to wit: (a) social, economic and/or community needs are served by the Project; (b) traffic flow and safety; (c) adequate utilities and other public services are or will be made available at the Project site (d) neighborhood character and social structures will be preserved; (e) no or minimal impacts will be had on the natural environment; and (f) potential fiscal impact, including impact on Town services, tax base and employment, have been considered. More specifically:

1. The Application is in harmony with the general purposes and intent of the Zoning Bylaw and is consistent with the goals and guidelines of the Master Plan and the Housing Production Plan of the Town of Pepperell.
2. The Application is in conformance with Section 7300 of the Pepperell Zoning Bylaws.
3. The Application will not impair the integrity or character of the Urban Residence District nor be detrimental to the health or welfare of residents or the natural environment.
4. There are adequate utilities to service the Project. The Project site is served by Town water and sewer.
5. The Project will not place a burden on Town services and it is anticipated that the use will generate enough tax revenue and employment opportunities to offset any impact on Town services.
6. The Project will not have a negative impact on property values.
7. The beneficial impacts to the Town outweigh any adverse effects of the Project.
8. After consideration of the architectural, aesthetic, land planning, topographical, ground factors and emergency access, the Planning Board has determined that the distance between buildings as shown on the site plans is acceptable provided there are no obstructions between the buildings.

DECISION

The Board **GRANTS** this Special Permit subject to the following conditions:

1. The word "Applicant" as used in this decision shall be defined as any of the following: a) the applicant of record; b) his assigns; c) his heirs; or d) any successors in title.
2. This Special Permit and the plans dated September 25, 2020 shall be recorded in the Middlesex South Registry of Deeds. Proof of recording shall be provided to the Town Clerk, as stated in the Notice of Decision for this Special Permit. No building permits shall be issued until proof of recording has been received.

3. Construction shall be in accordance with this Decision and the Plans for 33-35 Hollis Street prepared by Land Engineering & Environmental Services, dated September 25, 2020 Sheets 1-3. The Applicant shall supply five (5) copies of this plan for endorsement.
4. The 4 buildings shall be addressed 35 Hollis Street units 1-4 starting with the existing dwelling which shall be Unit 1. Each building shall be clearly marked as described with black lettering and numbering of at least six inches in height in a location of clear visibility. A permanent marker of engraved granite not greater than six square feet in area in accordance with Section 6277 of the Pepperell Bylaw shall be placed at the driveway entrance where it meets the public way and shall have a diagram of the unit locations. The special location of the marker shall be coordinated with the Town Engineer and/or Highway Superintendent.
5. A mailbox serving the Project shall be located at the driveway entrance where it meets the public way. The specific location shall be coordinated with the US Postal Service, the Town Engineer and/or Highway Superintendent.
6. Final as-built drawing confirming compliance with the approved site plans shall be submitted for review and approval by the Planning Board prior to the issuance of the final occupancy permit.
7. The driveway shall be constructed with gravel shoulders or approximately two (2) feet in width, or as further directed by the Fire Department. Removal of the stone wall and regrading and stabilizing the slope shall be done with coordination of the Highway Superintendent.
8. The Applicant shall provide a copy of the homeowner's documents to the Planning Board for review and approval prior to the issuance of any building permits. This document must contain a restriction that allows for no obstructions or encroachments of any kind between the buildings. These obstructions shall include, but are not limited to recreational vehicles, plantings, fencing of any kind, or swing set and other playground equipment.
9. Construction shall not encroach onto abutting properties, rights of way, sidewalks or roadways. Pedestrian and vehicle traffic shall not be impaired by any construction debris. All sidewalk and street areas shall be kept clear of any and all construction equipment and debris at all times.
10. The buildings shall comply with all current rules, regulations, and fees of the Pepperell Water Division and the Pepperell Sewer Division.
11. The Applicant shall conform to all necessary local, state and/or federal application and permitting requirements. This shall include, but not be limited to, the Pepperell Conservation Commission.
12. The proposed six (6) foot vinyl fence shown along the eastern property line shall be maintained in a state of good repair at all times.
13. If, during judicial review, any condition stated herein is declared null and void, the remaining conditions shall apply.
14. This Special Permit shall lapse after two (2) years from the grant thereof if a substantial use thereunder has not begun, except for good cause. Such approval may, for good cause, be

extended in writing by the Planning Board upon the written require of the Applicant provided said request is made at least sixty (60) days before the expiration of the Special Permit.

15. The Building Inspector/Zoning Officer shall enforce all conditions stated in this decision. If the Building Inspector/Zoning Officer determines that the use of the Property is in violation of the conditions of this Special Permit they may: (1) impose a penalty, as provided for in the Zoning By-law; (2) demand that all construction or operational activities shall cease until the Property and its use have been brought into conformance with this Special Permit; and/or (3) notify the Planning Board that there is a violation of the conditions of this Special Permit, which may result in action by the Planning Board to revoke the Special Permit.
16. The conditions of approval in this Special Permit may be amended by the Planning Board upon the filing of an application for a modification of the Special Permit, which shall be acted upon by the Planning Board in the same manner as provided for in the Planning Board Special Permit Rules & Regulations for all Special Permit petitions.
17. This decision is subject to appeal in accordance with M.G.L. Ch. 40A, Sec. 17 within 20 days after this decision is filed with the Town Clerk.

A copy of the SPECIAL PERMIT DECISION and NOTICE OF DECISION shall be transmitted to the owner, the applicant (if other than owner) and the Town Clerk by the Planning Board Administrator. Additionally, the endorsed construction plan shall be distributed by the Planning Administrator to the Town Clerk, Building Inspector, Town Engineer, and Board of Assessors.

A copy of the NOTICE OF DECISION shall be transmitted to the parties in interest and anyone requesting such and providing their address at the public hearing, all with the notice of their right to appeal to court pursuant to Section 17 of the Zoning Act, by the Planning Board Administrator.