



## Town of Pepperell

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### MEMORANDUM

By: Jennifer Gingras, Town Planner
To: Casey Campetti, Planning Board Chair
CC: Planning Board Members
Date: June 15, 2022
RE: June 21, 2022 Planning Board Meeting

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### ACTION ITEM:

#### Plan Endorsement: Approval Not Required (ANR) Determination for 96 Park Street

#### I. Petition Description

Project Address: 96 Park Street (Map 9, Lot 134)  
Property Owner/Applicant: Jeff A. Chabot, Homes by Jeff & Sons, Inc  
Surveyor/Engineer: J.A. Visniewski, LLC  
Date of Site Plan: May 25, 2022  
Zoning: RR (Rural Residential)

#### II. Description of Request:

The applicant is requesting that the Board review the above-referenced plan and determine if it meets the criteria for Approval Not Required (ANR) endorsement. The ANR refers to “approval not required under the Subdivision Control Law”. In order to endorse the plan, the Board must make a determination that the proposed plan does not constitute a subdivision.

The applicant is proposing for Lot 1 as shown on the plan to have a frontage of 200.03 ft. and a lot size of 87,138 sq.ft. (2 acres). The applicant is proposing for Lot 2 to have a lot frontage of 133.25 ft. and a lot size of 176,882 sq.ft. (4.06 acres).

The applicant has submitted the following items with their application: Form A, Site Plan entitled “Plan of Land, Park Street, Pepperell, Mass” prepared by J.A. Visniewski, LLC, dated May 25, 2022.

### **III. Internal Review**

The Town Engineer (DPW), Building Commissioner, Property Assessor, Conservation Department, and Fire Department have reviewed the application and do not have objections. No comments were received.

### **IV. Staff Comments**

The review of an ANR plan by the Planning Board does not require a public hearing. If the Board finds that the plan does not constitute a subdivision, as defined in Section 81L, it must immediately endorse the plan "approval not required under the Subdivision Control Law" or words of similar import.

The general requirements for determining if a subdivision is not being created by the proposed action are:

- a) The lots shown on the plan must front on one of three types of ways specified in M.G.L. Chapter 41, Section 81L.
- b) A Planning Board's determination that the vital access, as contemplated by M.G.L. Chapter 41, Section 81M exists.
- c) The lots shown on the plan meet the minimum frontage requirements of the Pepperell Zoning By-laws (Table 1). This is consistent with Chapter 41, Section 81L, MGL.

The applicant has provided all required information as requested on the ANR Form A checklist (attached).

The dimensional requirements for a lot in the RR zoning district are 80,000 sq. ft. for the minimum lot area and 200 ft. for the minimum lot frontage. The proposed Lot 1 as shown on the plan to have a frontage of 200.03 ft. and a lot size of 87,138 sq.ft. (2 acres). Lot 1 meets these dimensional requirements.

As specified in Section 7500 of the zoning bylaw, a rear lot in the RR zoning district can have a lot area that exceeds the minimum lot area required in that district by at least 2 acres. The minimum frontage of a rear lot shall be at least 40 ft., and the width of the lot between the dwelling site and the public way shall not be less than 40 ft. The applicant is proposing for Lot 2 to have a lot frontage of 133.25 ft. and a lot size of 176,882 sq.ft. (4.06 acres). Therefore, Lot 2 meets the requirements for a rear lot.

### **V. Action Required**

The Board must make a determination that subject plan does not constitute a subdivision and entitled to ANR endorsement based on the following criteria:

- a) The lots shown on the plan fronts on one of three types of ways as specified in M.G.L. Chapter 41, Section 81L.
- b) The lots depicted meet the minimum frontage requirements of the Pepperell Zoning By-laws.
- c) The Planning Board has determined that vital access exists to such lots as required by M.G.L. Chapter 41, Section 81M.

**VI. GIS Map and Photo**



**ACTION ITEM: Public Continuation Hearing**

**Scenic Road Permit – 49-77 Brookline Street (Upswing Farm):**

**\*Update 6/16/22:** Staff has not received updated information from the applicant. However, Staff was able to locate a Sewer Plan and Profile dated October 23, 2020 which shows the wall on the applicant's property, and a Site Plan, dated February 1, 2010. Those plans are attached.

**I. Petition Description**

**Type of Petition:** Scenic Road Permit  
**Project Address:** 49-77 Brookline Street (Map 9, Lot 179)  
**Property Owner:** Brittany and Kevin Overshiner  
65 Brookline Street, Pepperell, MA 01463  
**Applicant:** same as owner  
**Zoning District:** RR (Rural Residential)

**II. Description of Request:**

This subject property is located at 49-77 Brookline Street. The applicant is requesting a Permit to remove approximately 200 ft. of stone wall located between 45 and 65 Brookline Street. The applicant states that the wall is in disrepair and is overgrown with vegetation.

The applicant submitted the following documents with the application: Application and Request for Public Hearing, Appendix A (Plan Requirements), Certified Abutters List, dated April 25, 2022, Site Plan from GIS map showing location of stone wall, and a photograph. Also received were comments from the Tax Collector and Planner.

**III. Staff Analysis**

According to the Assessors database, the lot area of the parcels is 81.32 acres. The lot is located in the RR (Rural Residential) zoning district in a neighborhood that consists of mostly agricultural and single-family uses. The property use is agricultural and contains multiple structures, including a single-family home, multiple greenhouses, and a barn.

Chapter 141 of the Code of the Town of Pepperell designates the Planning Board as the Permit Granting Authority for this application. Chapter 141 designates all town ways and roads in the town, other than Rt-111, Rt-113, and Rt-119 as scenic roads under the provisions of MGL Ch. 40, §15C. In this application, Brookline Street is considered a scenic road.

The Planning Board may grant or refuse consent to tear down or destruct the stone wall or a portion thereof by providing written consent after a public hearing duly advertised.

§141-2 provides that the determination of the Planning Board takes into consideration, among other things:

1. Public Safety;
2. Scenic Views;
3. Preservation and enhancement of natural and aesthetic qualities of the environment;
4. Accessibility to emergency vehicles and maintenance equipment.

#### IV. Internal Review

**Town Assessor:** No Comments received.

**Health Department:** No Comments.

**Building Commissioner:** No Comments

**Conservation Administrator:** No comments received.

**Tax Collector:** Sewer Paid, Taxes Paid.

**DPW/Town Engineer:** No comments received.

**Fire Chief:** No Comments received.

#### Action Required

- 1) The Board shall consider the project as required by Section 141-2 of the Code for Permit Approval as detailed in Section III of this Staff Report.
- 2) The Board shall vote on the issuance of a Permit to allow the removal of the wall as detailed in the application and corresponding plans received by the Planning Board April 26, 2022.

#### GIS Map:



**Action Item:**

**MPIT Budget Request from Climate Change Committee**

**Description of Request:** The Climate Change Committee (CCC), in collaboration with INPAC and the Agricultural Commission, are requesting \$3,060 to hire a summer intern to build out the GreenPepperell website in order to promote actions within the community, with the goal of completing Master Plan recommendations. The MPIT budget request worksheet is attached.

**Planner Comments:** There is \$11,373.32 left in the MPIT funds for FY22, which ends 6/30/22. This amount is due to the \$25,000 Master Plan ATM Article from November 2021.

<b>Master Plan FY2022 Available Funds</b>	
<b>Approved at Town Meeting</b>	\$ 25,000.00
<b>Planning Board Funding</b>	\$ 7,500.00
<b>Total Master Plan Funds</b>	<b>\$ 32,500.00</b>
<b>Funding Requests Approved</b>	
<b>Department, Board or Commission</b>	<b>Amount Approved</b>
<b>Agricultural Commission</b>	\$ 17,400.00
<b>Climate Change Council (Susan Edwards)</b>	\$ 526.68
<b>Planning Department</b>	\$ 3,200
<b>Total Amount Approved</b>	<b>\$ 21,126.68</b>

**Planning Board Reorganization (Selection of Chair and Clerk)**

The Planning Board should be ideally reorganized in designation of a Chair, Clerk, and Associate Member annually. Please see the Organization and Meetings section of the Planning Board Rules and Regulations.

2.0. Organization and Meetings.

2.1. Chairman; powers and duties.

The Chairman shall vote and be recorded on all special permits coming before the Board. It shall be the duty of the Chairman to designate the Associate Member to sit on the Board to act



upon specific special permit applications when the Board's ability to act is limited as in the case of a member's absence or conflict of interest on the part of any member, in the event of vacancy on the Board or other reason creating an inability to act on the part of a member. Subject to these rules, the Chairman shall decide all points of order, unless overruled by a majority of the Board in session at the time and shall appoint such committees as may be found necessary or desirable on special permit related matters.

2.2. Clerk. The Clerk shall be a member of the Board, designated by the Board. Subject to the direction of the Board, the Clerk shall supervise all of the clerical work of the Board regarding special permits. In the absence of the Chairman, the Clerk shall act as Chairman.

2.3. Associate Member. An Associate Member shall be annually appointed within thirty (30) days of the first Planning Board meeting in May at a joint meeting of the Planning Board and Board of Selectmen by majority vote of the members present at this meeting. The Associate shall be called by the Chairman to act upon special permit applications in the case of absence, inability to act or conflict of interest on the part of any member of the Planning Board or in the event of a vacancy on the Board. The Associate shall sit as a member of the Board at the public hearing, including any continuances; shall participate in any and all discussions of the application and decision; and shall be recorded on all votes on any special permit upon which the Associate was called to act.

2.4. Assistant to the Planning Board. The Assistant to the Planning Board, if one is appointed by the Board, shall not be a member of the Board and shall, subject to the direction of the Board and the procedures stated herein, process all applications submitted to the Planning Board for action, to include referring applications for comment, preparing and sending hearing notices, taking hearing and meeting minutes, drafting decisions and notifying petitioners and parties in interest of the decision. The Assistant shall certify the date on which decisions are filed with the Town Clerk.

#### **Selection of Planning Board Representative to NMCOG:**

The Northern Middlesex Council of Governments (NMCOG) requests that a representative from the Pepperell Planning Board. Previously, Chuck Walkovich was the representative. Meetings are typically scheduled on the 3<sup>rd</sup> Wednesday of every month at 7:00 PM.

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#### **REPORTS/CORRESPONDENCE/DISCUSSION:**

##### **Discussion of Smart Growth Overlay District (Ch. 40R) Analysis**

A presentation was made to the Planning Board at the meeting on June 6<sup>th</sup> regarding the 40R/SGOD and MUOD. The presentation is also on the PB webpage here:

<https://town.pepperell.ma.us/793/MUOD-Working-Group>.

Also, you can watch the PB meeting on <https://pepperell.vod.castus.tv/vod/?video=dbb23ccd-549c-4915-b7eb-15d720dd1ce5&nav=recent&volume=.65>.

I have requested that members of the MUOD working group, and other representatives of Boards and committees send in comments prior to the meeting. To be clear, the Planning Board will just be deciding how the zoning article for the 40R/SGOD should be prepared (incorporate MUOD or not). The meeting on 6/21 is about determining the concept we want to move forward with. Once we know which way we are going, we can hold a public hearing on July 18, 2022 for the mandatory Preliminary Eligibility Hearing on the draft article. Once the Planning Board approves the initial draft, it will be sent to DHCD for approval. Once we receive the DHCD approval, the Planning Board will set a public hearing for the article to meet the requirement for Town Meeting. In between those times, there will be numerous group meetings and discussion about the article and opportunities for feedback.

**Babin Landscaping Site Plan Discussion:**

Babin Landscaping at 23-29 Hollis Street received a Major Site Plan Approval from the Planning Board on July 20, 2020. They are interested in making a modification to the original approval and would like preliminary feedback from the Board prior to submitting a full application. Please see attached for the draft site plan.

**Staff Updates:**

**Grant Updates:** no updates at this time.