



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

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JUN 29 2022

Town of Pepperell
Office of the Town Clerk

NOTICE OF DECISION

ZBA File No: 2022-05

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

To: James M. Hadley

For: Special Permit to allow an Accessory Apartment

Property Located at: 28 Bancroft Street, Pepperell, MA, as shown on Assessor's Tax Map 37 as Parcel 39-0

Owned by: James M. Hadley

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 29th day of June 2022:

Zoning Board of Appeals: 
Cheryl Lujcza, 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 Durno, 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
BOARD OF APPEALS
One Main Street
Pepperell, Massachusetts 01463

DECISION

APPLICATION #: 2022-05

APPLICANT: James M. Hadley

OWNER OF PROPERTY: James M. Hadley

LOCATION OF PROPERTY: 28 Bancroft Street, Pepperell, MA

RELIEF REQUESTED: Special Permit (to allow an accessory apartment)

DECISION OF BOARD: Granted

DATE OF DECISION: June 15, 2022

STATEMENT OF FACTS:

Application filed with the Town Clerk: April 20, 2022

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

Application copied to the Assessor's Office, Board of Health, Communications Director, Conservation Commission, DPW Director/Town Engineer, DPW Business Manager, Fire Department, Highway Department, Historical Commission, Inspector of Buildings, Planning Board, Police Department, Sewer Department, Town Counsel, Treasurer/Collector, and Water Department: April 21, 2022

Dates of published Notice of Public Hearing: May 27, 2022 and June 3, 2022 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 25, 2022.

Date of Remote Public Hearing: June 15, 2022

Board of Appeals Members present at the remote Public Hearing of June 15, 2022: Annette McLean (Chair), Alan Leao, Jr. (Clerk), Heather Hampson, and Clifton James. Also present, Cheryl Lutcza (Assistant to Zoning Board of Appeals).

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CONTENTS OF TOTAL APPLICATION:

Exhibit A:	Certified List of Abutters Pepperell – March 30, 2022
Exhibit B:	New Application Memo to ZBA Members – April 21, 2022
Exhibit C:	New Application Memo to Town Boards/Departments – April 21, 2022
Exhibit D:	Response from Assessor’s Office – April 25, 2022
Exhibit E:	Notice of Public Hearing – June 15, 2022
Exhibit F:	Response from DPW Director – May 18, 2022
Exhibit G:	Rear Elevation Plan and Floor Plan marked with egress submitted by Applicant on May 1, 2022
Exhibit H:	Response from Board of Health – May 4, 2022
Exhibit I:	Response from Treasurer-Collector – April 21, 2022
Exhibit J:	Response from Conservation Commission – April 21, 2022
Exhibit K:	Hearing and Fees Letter to Applicant – May 26, 2022
Exhibit L:	Legal Notice Copy from Nashoba Valley Voice – May 27, 2022
Exhibit M:	Zoning Board of Appeals Agenda - June 15, 2022
Exhibit N:	Response Memo to ZBA from C. Lutcza – June 7, 2022
Exhibit O:	Legal Notice Copy from Nashoba Valley Voice – June 3, 2022
Exhibit P:	Remote Hearing Attendance Sheet – June 15, 2022

FEES:

Applicant paid to the Town of Pepperell (1) filing fees of \$115.00; (2) a postage fee in the amount of \$18.12, to notify Parties in Interest of the Public Hearing and Decision; and (3) a fee to the “Nashoba Valley Voice” in the amount of \$269.28, for the legal advertising of the public notices.

STATEMENT OF CASE:

The Board of Appeals conducted a remote public hearing on June 15, 2022, regarding an application submitted by James M. Hadley, requesting a Zoning Board of Appeals **SPECIAL PERMIT**, under Sections 9300, 9221 and 3400-3440 of the Town of Pepperell Zoning Bylaw, which if granted, would allow an accessory apartment to be located above an attached 2-car garage. Subject property is located at 28 Bancroft Street, Pepperell, MA, as shown on Tax Map 37 as Parcel 39-0. The remote public hearing was held via the GoTo meeting platform.

Applicant, James M. Hadley, 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 Special Permit to allow an accessory apartment.

Details of the remote public hearing are available in the Zoning Board of Appeals Meeting Minutes of June 15, 2022. This remote public hearing was recorded for future broadcast by Pepperell Community Media, Inc.

FINDINGS:

1. The subject property is located at 28 Bancroft Street, Pepperell, MA, as shown on Tax Map 37 as Parcel 39-0.
2. The property is located in the Town Residence District.
3. Abutters were not present at the remote public hearing. Members of the public were present at the remote public hearing.
4. Subject property is serviced by municipal water (per the Applicant)
5. Subject property is serviced by a private septic system per Board of Health Memo dated May 4, 2022 (Exhibit: H)
6. Pursuant to Sections 3400-3440 of the Town of Pepperell Zoning Bylaw, the Board finds that the requested relief meets the Special Permit Criteria for Accessory Apartments [Note: Criteria in Italic, Finding in plain text]:
7. *The Board finds that pursuant to Section 3431 of the Town of Pepperell Zoning By-law, a Plot Plan was submitted.* The Applicant submitted a Certified Plot Plan (Plan No. S-15138), dated April 7, 2022, by David E. Ross Associates, Inc., Harvard, MA.
8. *The Board finds that 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.* The Applicant submitted a signed Affidavit of Owner Occupancy, dated April 7, 2022, with the application.
9. *The Board finds that the proposed accessory apartment has a gross floor area of less than 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.* The Applicant stated that the proposed accessory apartment will consist of 576 square feet and provided a floor plan of the proposed accessory apartment with the Application.
10. *The Board finds that 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.* The Applicant provided pictures/sketches of the external structure of the property, with the Application, showing that the external appearance of the structure will not be significantly altered from the appearance of a single-family structure.
11. *The Board finds that 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.* The Applicant provided evidence that there is at least (1) additional parking space to serve the accessory apartment.

12. *The Board finds that pursuant to Sections 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.* The Applicant stated in his application that the proposed accessory apartment will provide safe, affordable independent living space. The proposed accessory apartment addition will match the existing home and blend in nicely and will have no impact on the residential area in which the subject property is located in regard to traffic flow and safety, the natural environment.

13. *The Board finds that pursuant to Sections 9320-9326 of the Town of Pepperell Zoning Bylaw, the application as presented meets all the criteria as required.*
 1. *Social, economic, or community needs which are served by the proposal.* The Applicant has stated that the accessory apartment will provide safe, affordable independent living space.
 2. *Traffic flow and safety, including parking and loading.* There will be no impact to traffic flow, safety and parking.
 3. *Adequacy of utilities and other public services.* The Applicant has stated that the subject property is serviced by Town water and a private septic system that is functioning properly.
 4. *Neighborhood characteristics and social structures.* The subject property is located in a residential area and the proposed accessory apartment addition will match the existing home and blend in nicely.
 5. *Impacts to the natural environment; and.* The proposed accessory apartment will not have any impact on the natural environment.
 6. *Potential fiscal impact, including impact on town services, tax base, employment and property values.* The proposed addition should increase the value of the subject property and provide the Town with a higher tax income. No Town services or employment will be impacted by this addition.

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 accessory apartment shall be maintained in accordance with all applicable state and local codes and regulations.
3. The Applicant shall obtain an occupancy permit prior to any occupancy of the accessory apartment.
4. The accessory apartment shall be located only in the existing residence as shown on the plans submitted with the application.
5. The accessory apartment shall be constructed in substantial conformance with the plans submitted with the application.
6. One of the two dwelling units shall be occupied by the owner of the property, except for bona fide temporary absence(s). If neither unit is owner-occupied, the special permit shall lapse.
7. The owner shall provide one (1) additional parking space at all times to serve the accessory apartment, which shall have vehicular access to the driveway.

CONCLUSION:

The Board of Appeals finds that the requested relief, a **SPECIAL PERMIT**, under Sections 9300, 9221 and 3400-3440 of the Town of Pepperell Zoning Bylaw, to allow a new accessory apartment with a gross floor area of less than 800 square feet to be located above an attached two-car garage at the subject property located at 28 Bancroft Street, Pepperell, MA, as shown on Tax Map 37 as Parcel 39-0, is consistent with the purpose and conditions for such 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, 9221, 3400-3440 of the Town of Pepperell Zoning Bylaw, to allow a new accessory apartment with a gross floor area of less than 800 square feet to be located above an attached two-car garage at the subject property located at 28 Bancroft Street, Pepperell, MA, as shown on Tax Map 37 as Parcel 39-0.

So decided this 15th day of June 2022 by roll call vote as listed:

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

RECORD OF VOTE

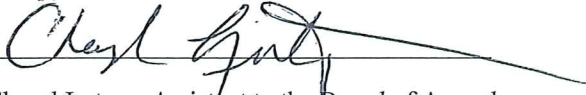
The members of the Board of Appeals of the Town of Pepperell, attended and participated in all of the hearings, the Decision and the order of the above matter. Said hearings and Decision were made at public meetings of the Board and the foregoing Decision was made with the members voting by roll call vote.

The Zoning Board of Appeals, voted unanimously to grant this Special Permit subject to the above-stated terms and authorized the Chair of the Board to sign on its behalf.



Annette McLean, Chair of the Board of Appeals

A copy of this Decision was transmitted to the Town Clerk on: June 29, 2022



Cheryl Lutcza, Assistant to the Board of Appeals

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