



Town of Pepperell

Planning Office

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MEMORANDUM

By: Jennifer Gingras, Town Planner
To: Al Patenaude, Planning Board Chair
CC: Planning Board Members
Date: September 28, 2022
RE: October 3, 2022 Planning Board Meeting

ACTION ITEM:

Plan Endorsement of Revised ANR: 96 Park Street (Homes by Jeff and Sons)

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
Date of Revised Site Plan: July 20, 2022
Zoning: RR (Rural Residential)

II. Description of Request:

The applicant is requesting that the Board review a revised plan for 96 Park Street. The applicant originally came in front of the Board on June 21, 2022 for an ANR endorsement. The Board voted 5-0 to endorse the ANR at that meeting. The applicant did not record the ANR Site Plan at the Registry of Deeds. The applicant is now returning to the Board with a revised site plan for an ANR endorsement.

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 292.98 ft. and a lot size of 1.84 acres. The applicant is proposing for Lot 2 to have a lot frontage of 40.30 ft. and a lot size of 4.22 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 July 20, 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.

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 meets both of the requirements stated above.

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



Plan Endorsement: 16-20 Tarbell Street (John Hynes)

I. Petition Description

Project Address: 16, 18 and 20 Tarbell Street (Map 9, Lot 134)
Property Owner/Applicant: Catherine M. Hynes Irrevocable Trust
Surveyor/Engineer: Goldsmith Prest & Ringwall, Inc. (GPR)
Date of Site Plan: July 22, 2022
Zoning: UR (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 under Mass General Laws Ch. 41, Section 81L. 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.

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:

- d) The lots shown on the plan must front on one of three types of ways specified in M.G.L. Chapter 41, Section 81L.
- e) A Planning Board’s determination that the vital access, as contemplated by M.G.L. Chapter 41, Section 81M exists.
- f) 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). This ANR qualifies under the “existing structures” exception of M.G.L. Ch. 41, §81L. However, even though the property division is allowed by way of an ANR plan under §81L, the applicant will still be required to obtain variances to address the zoning issues

(minimum lot size and frontage).

The dimensional requirements for a lot in the UR zoning district are 40,000 sq. ft. for the minimum lot area and 150 ft. for the minimum lot frontage. Lot 1 as shown on the plan is proposed to have a frontage of 88 ft. and a lot area of 28,230 sq.ft. Lot 2 as shown on the plan is proposed to have a frontage of 132 ft. and a lot area of 41,965 sq.ft. Lot 3 as shown on the plan is proposed to have a frontage of 85 ft. and a lot area of 37,171 sq.ft.

MGL Ch. 41, §81L

"Subdivision" shall mean the division of a tract of land into two or more lots and shall include resubdivision, and, when appropriate to the context, shall relate to the process of subdivision or the land or territory subdivided; provided, however, that the division of a tract of land into two or more lots shall not be deemed to constitute a subdivision within the meaning of the subdivision control law if, at the time when it is made, every lot within the tract so divided has frontage on (a) a public way or a way which the clerk of the city or town certifies is maintained and used as a public way, or (b) a way shown on a plan theretofore approved and endorsed in accordance with the subdivision control law, or (c) a way in existence when the subdivision control law became effective in the city or town in which the land lies, having, in the opinion of the planning board, sufficient width, suitable grades and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land abutting thereon or served thereby, and for the installation of municipal services to serve such land and the buildings erected or to be erected thereon. Such frontage shall be of at least such distance as is then required by zoning or other ordinance or by-law, if any, of said city or town for erection of a building on such lot, and if no distance is so required, such frontage shall be of at least twenty feet. Conveyances or other instruments adding to, taking away from, or changing the size and shape of, lots in such a manner as not to leave any lot so affected without the frontage above set forth, or the division of a tract of land on which two or more buildings were standing when the subdivision control law went into effect in the city or town in which the land lies into separate lots on each of which one of such buildings remains standing, shall not constitute a subdivision.

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:

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

GIS Map and Photo



Minor Site Plan Review: 1 Tucker Street (Brad Thibodeau)

I. Petition Description

Type of Petition: Minor Site Plan Review
Project Address: 1 Tucker Street (Map 23, Lot 15)
Property Owner: Gary McQuaide
60 Highland Ave., Milford, NH 03055
Applicant: Brad Thibodeau, Dog Taoist, Inc.
18 Palmer Rd., Pepperell, MA 01463
Zoning: C (Commercial)

II. Description of Request:

This subject property is located at 1 Tucker Street, formally used by a plumbing company. The applicant is requesting a Minor Site Plan Review to change a use from a plumbing business to a dog training facility.

III. Staff Analysis

Section 9411 of the ZBL requires minor site plan approval for this petition. Per Section 9421, the Planning Board shall review and act upon the site plan, with such conditions as may be deemed appropriate, within sixty (60) days of its receipt, and notify the applicant of its decision. The decision of the Planning Board shall be upon a majority of those present and shall be in writing. No building permit or of the site without certificate of occupancy shall be issued by the Building Commissioner without the written approval plan by the Planning Board, or unless 60 days lapse from the date of the submittal of the site plan action by the Planning Board.

The applicant has submitted the following items with their application: Application and Request for Public Hearing, Correspondence from Brad and Ashley Thibodeau, dated September 8, 2022, Floor Plans, Plot Plan, revised by Brad Thibodeau, and a Certified Abutters List.

Minor site plans may be required to contain all of the information required by the site plan section; provided, however, that the Planning Board shall normally relax such requirements. The exact submittal requirements of a minor site plan shall be agreed upon in a pre-application scoping session between the applicant and the Planning Board at a regularly scheduled meeting of the Board.

The Planning Board Rules and Regulations for Site Plan Approval describe the Design Criteria as follows:

- a. The proposal, with consideration given to waivers granted, shall comply with all requirements of these Rules and Regulations and with applicable zoning requirements for parking, service areas, environmental performance standards, and any other applicable sections of the Zoning Bylaw;

- b. The development shall be integrated into the existing terrain and surrounding landscape and be designed to preserve natural and historic features, to minimize tree, vegetation and soil removal, to minimize grade changes and to screen objectionable features from neighboring properties;
- c. Architectural style shall be in harmony with the prevailing character and scale of buildings in the neighborhood;
- d. The project shall be served by an adequate water supply and waste disposal system as determined by the appropriate regulatory agencies;
- e. The plans shall maximize the convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent ways with the traffic flow pattern showing adequate access to and from the site and adequate circulation within the site;
- f. The plans and documents shall show adequate measures to prevent pollution of surface water or groundwater, prevent erosion, sedimentation, changes in groundwater levels, increased run-off, or flooding, and that the drainage design will not adversely affect neighboring properties.
- g) The project will not place excessive demands on Town services and infrastructure.

IV. Internal Review

Comments were received by the Board of Health, Fire Chief, DPW Director, Conservation Commission, Historical Commission, and Planning Office.

Staff Comments:

The applicant is requesting a change in use from a plumbing company use to a dog training facility. The area the site is located in consists of mostly commercial uses with a few residential uses in the area. The applicant received a Special Permit from the Select Board on August 22, 2022 to allow the use. The applicant is not proposing any exterior changes to the property except for the addition of an outdoor enclosed area for the dogs. There is also adequate parking for the use.

The Planning Board Site Plan Rules and Regulations state the required design criteria when considering a site plan review. The design criteria is listed as follows:

- a. The proposal, with consideration given to waivers granted, shall comply with all requirements of these Rules and Regulations and with applicable zoning requirements for parking, service areas, environmental performance standards, and any other applicable sections of the Zoning Bylaw;
- b. The development shall be integrated into the existing terrain and surrounding landscape and be designed to preserve natural and historic features, to minimize tree, vegetation and soil removal, to minimize grade changes and to screen objectionable features from neighboring properties;
- c. Architectural style shall be in harmony with the prevailing character and scale of buildings in the neighborhood;
- d. The project shall be served by an adequate water supply and waste disposal system as determined by the appropriate regulatory agencies;

- e. The plans shall maximize the convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent ways with the traffic flow pattern showing adequate access to and from the site and adequate circulation within the site;
- f. The plans and documents shall show adequate measures to prevent pollution of surface water or groundwater, prevent erosion, sedimentation, changes in groundwater levels, increased run-off, or flooding, and that the drainage design will not adversely affect neighboring properties.
- g. The project will not place excessive demands on Town services and infrastructure.

Action Required

The Board shall consider the project as required by Section 9460 of the ZBL for Site Plan Approval as detailed in Section III of this Staff Report.

Staff recommends that if the Minor Site Plan is approved, the following Conditions of Approval be added to the motion:

This approval is granted with the conditions that:

- 1) All outdoor lighting must be fully shield and not cause light trespass, glare or skyglow for adjacent property.
- 2) Any snow shall be removed from the site within 72 hours of a storm.
- 3) Signage shall not be internally illuminated.
- 4) Any change in property ownership will require a review of the Planning Office to determine if a new or modified site plan approval is necessary.

VI. GIS Map and Photo



