

From: [Jennifer Gingras](#)
To: [Paula Terrasi](#)
Cc: [Andrew MacLean](#); [Al Patenaude](#); patenaudeconstruction@gmail.com
Subject: RE: 40R Smart Growth Overlay District and Environmental Impacts
Date: Monday, October 17, 2022 9:47:00 AM

Hi Paula,

Sections 9000-9300 (the 40R zoning) don't impact any bylaw or regulation besides the Pepperell Zoning Bylaw. All other bylaws and regulations apply. This means proposals under this 40R overlay district must comply with Pepperell's Wetlands Protection Bylaw. This is a difference from a 40B Comprehensive Permit.

That said, the zoning doesn't offer any new protections for environmentally sensitive land, with the exception of requiring compliance with the requirements of Subsection 9140 (Development Impact Statement), as edited, for projects over 50 units.

If the MA Wetlands Protection Act, the Pepperell Wetlands Protection Bylaw, or other state or local regulations besides the Pepperell Zoning Bylaw protect land in an area, this zoning would not change that. If construction would be allowed by those bylaws and regulations, this zoning also would not change that.

To clear up the definitions:

The as-of-right definition in Subsection 9020 states that approval does not need "a special permit, variance, zoning amendment or other form of zoning relief." In other words, it is "as-of-right" for the purposes of any restrictions in the Pepperell Zoning Bylaw, but does not override any other state or local regulation.

Subsection 9032 adds some additional restrictions to the "As of Right" definition: "Where a Project proposed pursuant to this Section [9000] falls within a Water Resource Protection Overlay District as set forth in Section 8100 or a Sewer Zoning District as set forth in Section 8400, the Project shall comply with the applicable provisions of that Section, including any special permit(s) as may be required."

The gross buildable land definition in Subsection 9020 does not confer any special protections to the land described. It only defines this term to determine what goes in the "denominator" when calculating the density of a proposed development to determine its compliance with Subsection 9331 (NRS GOD, Residential Density).

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From: Paula Terrasi <PTerrasi@town.pepperell.ma.us>
Sent: Monday, October 17, 2022 7:33 AM
To: Jennifer Gingras <JGingras@town.pepperell.ma.us>
Subject: 40R Smart Growth Overlay District and Environmental Impacts

Jenny

The proposed 40R Smart Growth Zoning Bylaw has changed multiple times and I want to be sure the latest version of the section 9020 (Definitions) involving wetlands, riverfront, rare species, etc. areas will receive the protections I was told the town would receive in earlier meetings and discussions.

Gross Buildable Land – area of land within a parcel that can feasibly be developed or redeveloped under the provisions of Section 9000 and the Governing Laws and does not include floodplain, wetlands, or wetland buffer zone areas; River Protection Areas; rare and endangered species habitats as designated by the Massachusetts Natural Heritage and Endangered Species Program; slopes over 15%; rights-of-way of existing public streets, ways, and transit lines; or dedicated open space.

Does the definition for Gross Buildable Land protect floodplain areas, wetlands, wetland buffer zone areas, Riverfront Areas, rare species, slopes greater than 15%, etc., as noted above, as being totally excluded from developable areas? I want to be sure these areas will not be considered buildable in a bylaw that is allowed by right. While there are regulations, including the MA Wetlands Protection Act, in place to protect some of these areas, these regulations are limited. Under 40B, the Pepperell Wetlands Protection Bylaw, which requires a 50' no-disturb buffer for lots created after May 6, 2002, does not apply. If these areas are not protected in the by right language of the bylaw, impacts to wetland resource areas will be impacted. The wetland buffer zone should include a correction, it should be 100' wetland buffer zone.

I will be in the field off and on this morning but I will be stopping in.

Paula Terrasi

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