



*Town of Pepperell*  
**BOARD OF APPEALS**  
One Main Street  
Pepperell, Massachusetts 01463  
(978) 433-0333  
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**Zoning Board of Appeals Meeting Minutes of February 6, 2007**

**PRESENT:** Thomas McGrath, Christine Morrissey, Sherrill Rosoff, Annette McLean, Mark Walsh; and Cheryl Lutcza (ZBA Assistant). Also present, is Town Counsel, Ned Richardson

**6:45 P.M.** Thomas McGrath, Chairman, convened the meeting. First agenda item is a hearing regarding an application submitted by Janet Cramb requesting a Zoning Board of Appeals SPECIAL PERMIT, under Section 3400 of the Town of Pepperell Zoning By-Law, which if granted, would allow an accessory apartment in the existing structure, for the property located at 17 -19 Park Street, Pepperell, MA, as shown on Assessor's Map 14 as Parcel 238.

Board Member, Christine Morrissey stated that she would be recusing herself from this hearing, as the Applicant is a personal friend.

Clerk read legal notice into the record.

Applicant, Janet Cramb, was present and addressed the Board. Ms. Cramb explained the following points to the Board:

- She purchased property 14 years ago and that the property was a former nursing home.
- There is approximately 8000 square feet of living space consisting of 20 rooms.
- The apartment has always been there and she would like to legalize it. Applicant explains that her Mother had resided in the apartment for quite a while, however it is currently empty.
- Applicant gives an overview of the sketch of the apartment that was submitted with the application.
- Apartment has outside access.
- Apartment contains under 800 square feet of living space.
- Apartment is located on the first floor of the dwelling and contains one bedroom.
- Sufficient off-street parking.

Clerk read responses from the following Town Boards/Departments and/or concerned parties into the record:

- Response from Water Department
- Response from Police Department
- Response from Town Engineer
- Response from Highway Department
- Response from Conservation Commission
- Response from Planning Board
- Response from Fire Department
- Response from Assessor's Office
- Response from Town Counsel

Applicant responded to Memo from Assessor's Office and explained that Kevin Visnaskas from the Assessor's Office was in property two years ago.

Town Counsel commented that residence will be considered a two-family after FY08 and will be taxed on what's there.

Chairman inquired if anyone in attendance would like to speak in favor or opposition to application. No one in the audience requested to speak in favor or opposition to application.

Clerk read the following letters submitted to the Board into the record:

- Letter of Support from Sherry Mobley
- Letter of Support from Sue Maynes

Unidentified member of audience inquired if this would set a precedent for a rooming or boarding house. Town Counsel responded, "No."

Applicant submitted an Affidavit of Owner Occupancy.

Sherrill Rosoff motioned to close record. Annette McLean seconds. All concur.

Discussion ensued.

Sherrill Rosoff motioned to approve application and grant relief as requested. Annette McLean seconds. All concur.

Roll call vote was taken as follow:

Thomas McGrath: Aye  
Sherrill Rosoff: Aye  
Annette McLean: Aye

**7:00P.M.** Second agenda item is a continuation hearing regarding an application submitted by Clark's Retirement Homes and Parks, Inc., George E. Clark, President, requesting a SPECIAL PERMIT under Sections 3520 and 3521 of the Town of Pepperell Zoning By-law, which if granted, would allow an increase in the number of manufactured housing units located at the retirement park. The subject property is located at 4 Mason Street, Pepperell, MA, as shown on Assessor's Map 20 as Parcels 100 and 85-1 and a portion of Assessor's Map 34, as Parcel 21.

Clerk read legal notice into the record.

Applicant, George Clark is present.

Town Counsel, Ned Richardson, addressed the Board and read his letter to the Board of February 6, 2007, which detailed the research he had done regarding the court case/judgement. Town Counsel further explained that there is an enforceable restriction that does not expire until 2011.

Applicant, George Clark, addressed the Board and requested that the Board continue this matter to a future date, in order to allow him time to consult with his Attorney regarding a possible withdrawal of the application which is before the Board.

Christine Morrissey motioned to continue the hearing to March 27, 2007 at 6:50 p.m. at the Pepperell Senior Center. Annette McLean seconds. All concur.

### **Old and New Business:**

- Christine Morrissey motioned to approve ZBA Meeting Minutes of January 6, 2007, with changes as articulated. Sherrill Rosoff seconds. All concur.
- Suzanne Shaw presented a landscape plan for 91 Harbor Street, Pepperell, MA indicating what she intends to plant in the 40-foot restricted green space. The Board informed Ms. Shaw that they did not request a "planting" plan. The Board instructed Ms. Shaw to have a new plan done that would delineate and identify what currently exists in the 40-foot restricted green space buffer, with such plan to detail the existing vegetation. The Board informed Ms. Shaw that they need to know what is there now. Board members further explained that the restricted

green space is to be left undisturbed, with no new plantings. The Board instructed Ms. Shaw to let them know when she has a new plan ready. Ms. Shaw informed Board that she could have plan ready by the next scheduled ZBA Meeting of March 27, 2007 at the Pepperell Senior Center.

- The Board reviewed the Regulatory Agreement submitted by Attorney Melissa Robbins for Lowell Place Realty Trust for the 40B project at 131 Lowell Road. Town Counsel had reviewed the Regulatory Agreement prior to the meeting, and discovered numerous blank spaces. The ZBA Assistant was to consult with Town Counsel and return Regulatory Agreement to Attorney Robbins for completion before Board execution. The Board discussed whether the Regulatory Agreement should be reviewed by 40B Consultant, John Bowman, and the ZBA Assistant was to consult Town Counsel on this issue as well.

Sherrill Rosoff motioned to adjourn meeting. Annette McLean seconds. All concur.

Meeting Adjourned at: 8:05.M.

ZBA Minutes of February 6, 2007 filed with Town Clerk: April 3, 2007

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**Cheryl Lutcza**  
**Assistant, Zoning Board of Appeals**

cc: Town Clerk  
Building Inspector  
ZBA Application File  
ZBA Minutes file  
ZBA Members