



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 July 24, 2007

PRESENT: Thomas McGrath, Sherrill Rosoff, Annette McLean, Mark Walsh; and ZBA Assistant, Cheryl Lutcza. Also present: Town Counsel, Attorney Edward Richardson.

7:00P.M. Thomas McGrath, Chairman, convenes the meeting. First agenda item is a continuation of a hearing originally opened on May 23, 2006 and further continued on June 20, 2006, August 22, 2006, and May 22, 2007, regarding an application submitted by Bayberry Enterprise Realty Trust, K. William Krikorian and Richard Morello, Jr. Trustees, seeking a Comprehensive Permit pursuant to M.G.L. Chapter 40B, to construct forty-four units in twenty-two duplex buildings, for the property located at 14 Bayberry Street, Pepperell, MA, as shown on Assessor's Map 12 as Parcel 19 and the property located at 7-9 Ashley Street, Pepperell, MA, as shown on Assessor's Map 12 as Parcel 70.

Clerk reads legal notice into the record.

Attorney Melissa Robbins is present on behalf of the Applicants and addressed the Board as follows:

- The Applicants are requesting a continuance of this hearing, as they are still waiting on Mass Housing as to whether or not they are going to be issued an amended site approval letter.
- Applicants recently learned that the Town of Pepperell is in receipt of a letter from Mass Housing requesting comments on the amended site approval letter. The Town has until August 17, 2007 to respond back to Mass Housing.
- Applicants will be meeting with Board of Selectmen on August 13, 2007. Attorney Robbins encourages interested parties to attend.

- Attorney Robbins presents an Extension Agreement to the Board, which would continue the hearing “generally.” until they receive a determination from Mass Housing regarding amended site approval.
- The Applicant, at the time of receipt of determination from Mass Housing, will notify the Board as to whether or not it will proceed with the pending 40B application, or whether it will withdraw the pending 40B application without prejudice and apply for a new 40B Comprehensive Permit.
- In either situation above, the Applicant will pay for the publication of the next hearing date (Notice of Public Hearing), as well as the costs associated with the mailing of said Notice of Public Hearing.
- Applicants agrees to extend and/or waive all dates and deadlines associated with the pending ZBA Application for a commensurate period of time equal to the continuation of this hearing.

Town Counsel, Edward Richardson, addresses the Board and makes the following comments:

- The amended application is significantly different from the pending application before the Board. The new proposal, at the very least, will require new site approval from MHFA. The Town of Pepperell is in a 30-day comment period and the Town has until August 17, 2007 to respond back to Mass Housing.
- He had requested that Applicants obtain a new Certified List of Abutters and assume costs for publishing of full notice of public hearing in the paper and certified mailing.
- The Extension Agreement will be filed with the Town Clerk. There is no danger of a constructive grant.
- The revised/amended application is not before the Board, as the Applicants have not received a site eligibility letter from Mass Housing.

Associate Board Member, Mark Walsh, adds that he has found and corrected some “typos” on the Extension Agreement. Town Counsel explains that as Mr. Walsh has not sat on any of the hearings on this matter, it is inappropriate for him to make any changes to the Extension Agreement, and that the Board Members who have sat on these hearings would have to agree to said changes he has made on the Extension Agreement

Sherrill Rosoff motioned to accept Extension Agreement, as amended with clerical corrections (“typos”). Annette McLean seconds. All concur.

Sherrill Rosoff motioned to continue the hearing as per the Extension Agreement dated July 24, 2007. Annette McLean seconds. All concur.

Old and New Business:

The Zoning Board of Appeals discussed the reorganization of the Board. The Zoning Board of Appeals was reorganized through June 30, 2008 as follows:

Thomas McGrath	Chairman
Sherrill Rosoff	Clerk
Annette McLean	Full Member
Mark Walsh	Associate Member
To Be Filled	Associate Member

Sherrill Rosoff motioned to approve the Zoning Board of Appeals reorganization. Annette McLean seconds. All concur.

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

Meeting adjourned at: 7:30P.M.

ZBA Minutes of July 24, 2007 filed with Town Clerk on: September 6, 2007

Cheryl Lutcza
Assistant, Zoning Board of Appeals

cc: Town Clerk
Town Boards/Departments
ZBA Members
Town Counsel
Toby Kramer
Applicant via Attorney Deschenes

ZBA Application File
ZBA Minutes File