



Town of Pepperell
BOARD OF APPEALS
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Zoning Board of Appeals Meeting Minutes of May 22, 2007

PRESENT: ZBA Members: Thomas McGrath, Sherrill Rosoff, Annette McLean, and Mark Walsh; Town Counsel, Attorney Edward Richardson; and 40B Consultant, Toby Kramer.

In attendance on the Applicant's behalf: Attorney Melissa Robbins, of Deschenes and Farrell, and Robert Griffin of Griffin Engineering Group, L.L.C.

7:00P.M. Board Member, Sherrill Rosoff, convenes the meeting, and explains to those in attendance that she will be chairing this hearing in the absence, of ZBA Chairman Thomas McGrath. Ms. Rosoff further explains that Christine Morrissey has resigned from the Board, due to the illness of a family member. First agenda item is a continuation of a hearing originally opened on May 23, 2006 and further continued on June 20, 2006 and August 22, 2006, 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.

Ms. Rosoff gives a brief summary of the case and explains why this status meeting is being held.

Clerk reads legal notice into the record.

Town Counsel, Edward Richardson, addresses the audience and explains that this status meeting was at the request of the Board as it has been a long time since the last hearing on this matter, which was held on August 22, 2006. Town Counsel further explains that the Applicant is keeping the current application open until such time as they receive notice from Mass Housing on their new application to Mass Housing. Town Counsel said that the expectation from this status meeting is that the Board and Audience will find out the following:

1. Progress on Applicant's new application to Mass Housing.
2. The setting of a date for introduction of a "new application."

Town Counsel further explains that this meeting is “strictly administrative” and that the Board will not accept any new evidence or discuss any issues, etc.

Attorney Melissa Robbins addresses those in attendance and explains that the application to Mass Housing ties together all of the properties owned by Bayberry Enterprise Realty Trust, and that they have amended the application since the change was greater than 20%. They have also supplied the Smart Growth analysis to Mass Housing. They expect approval from Mass Housing on the amended application in four to six weeks, at which time they will go before the Board to request withdrawal of the current application.

Robert Griffin of Griffin Engineering Group, L.L.C., addresses the Board and starts to summarize the current application, describing issues of salamanders and blundings turtles and the results of the Habitat Study by Oxbow Associates.

Town Counsel interrupts Mr. Griffin and states that Mr. Griffin cannot discuss issues/facts on the current application as this is not a regular hearing, only an update hearing, and that no exhibits can be submitted and no discussions will be held on issues, etc.

Robert Griffin continues with presentation and explains that new layout, which includes 22 duplexes on the West side of the property (approximately 62 acres total) and the removal of duplexes on the Southern corner of the property. He also explains the two emergency egress drives.

Board member requests a copy of plan presented tonight. Attorney Robbins agrees to submit the concept plan presented at tonight’s meeting to the Town Clerk on May 23, 2007, as Town Counsel had previously stated that the Board cannot accept any submittals this evening.

Board members discuss dates and timeframe for next continuation meeting. It is agreed that the next meeting will be scheduled for Tuesday, July 24, 2007 at 7:00P.M. at the Pepperell Senior Center. This is allowing a four to six week time period for the Applicant to hear back from Mass Housing.

Town Counsel asks Robert Griffin how much time the engineers will need to present new plans, once they have heard back from Mass Housing. Mr. Griffin replied that they would need at least two to three months.

Town Counsel explains that he is holding off on the traffic study that was requested by the Board until the decision from Mass Housing on the revised application is known.

