



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 20, 2008

PRESENT: Thomas McGrath, Sherrill Rosoff, Annette McLean, and Cheryl Lutcza (ZBA Assistant). Also present, Town Counsel, Edward J. Richardson.

7:00 P.M. Chairman convenes the hearing. First agenda item is a hearing regarding an application submitted by William Dickinson, AIA, Nashawtuc Architects, Inc., requesting a Zoning Board of Appeals SPECIAL PERMIT, under Sections 3520, 3521, 3530, and 3531 of the Town of Pepperell Zoning By-Law, which if granted, would allow the extension of the existing, non-conforming funeral home use and the extension of the existing, non-conforming structure on the lot for the Hamilton-McGaffigan Funeral Home. Subject property is located at 37 and 39-41 Main Street, Pepperell, MA, as shown on Assessor's Map 21 as Parcels 64 and 65.

Applicant, William Dickinson, is present. Also present is John McGaffigan, Jr., owner of the Hamilton-McGaffigan Funeral Home. Applicant made the following presentation to the Board:

- Gave an overview of the plan of proposed renovations.
- Stated that the funeral home use was established in 1966, which predates zoning.
- Gave a visual presentation of elevation and floor plans.

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

- Town Counsel
- Town Engineer
- Planning Board
- Police Department
- Board of Health

Chairman opens floor to the audience for comments either in support or opposition to the application. The following members of the audience addressed the Board:

- One member of audience spoke in favor of the application.

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

Sherrill Rosoff motioned to grant relief requested. Annette McLean seconds. All concur.

Chairman announced that the second agenda item will be a Work Session for the Board regarding the Decision for a Special Permit for ZBA Application 07-391, submitted by Louise Taylor. Chair further instructs those in attendance that the hearing and record on this matter were closed on December 12, 2007, and no further written or public comments can be taken at this time.

Applicant, Louise Taylor is present, and is being represented by Attorney Marc Joubert, who is also present. Also present, is Attorney Scott Fenton for the opponents.

- Discussion ensued among Board members regarding the change in use from a tack shop to a garden center in 1968-1969.
- Board entered into discussion session regarding relief being requested.
- Chair addressed audience and explained that this has been a very complicated issue.

Board enters into a vote to approve two Special Permits as follows:

- Sherrill Rosoff motioned to grant a Special Permit, under Section 3520 of the Town of Pepperell Zoning-By-law (non-conforming uses), to allow a change from a tack shop to a horticultural center, which under Section 3522, is a change from a non-conforming use to another less detrimental non-conforming use. Annette McLean seconds. All concur.
- Sherrill Rosoff motioned to grant a Special Permit, under Section 3230 of the Town of Pepperell Zoning-By-law (residential accessory uses) to allow a contractor's yard for the storage of landscaping materials and overnight parking of garden center commercial vehicles pursuant to Sections 3232, 3233, and 3234. Annette McLean seconds, all concur.

Chairman announced that the Board will review the Draft Decision at a Work Session to be held on February 27, 2008.

Old and New Business:

Sherrill Rosoff motioned to approve ZBA Meeting Minutes of January 16, 2008.
Annette McLean seconds. All concur.

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

Meeting Adjourned at 9:35P.M.

ZBA Minutes of February 20, 2008 filed with Town Clerk: April 28, 2008

Cheryl Lutcza
Assistant, Zoning Board of Appeals

cc: Town Clerk
Building Inspector
Robert Hanson, Town Administrator
ZBA Minutes file
ZBA Members
ZBA Application File – 07-397-Hamilton-McGaffigan-37-39 Main Street
ZBA Application File - 07-391-Taylor-49 South Road (Special Permit)