



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 October 26, 2009

PRESENT: Sherrill Rosoff (Chair), Annette McLean, Mark Walsh, Bruce Roberts;
also present, Cheryl Lutcza (ZBA Assistant) and Town Counsel, Attorney
Edward J. Richardson

6:30P.M. Chair announced that the first agenda item is a public meeting (held at Nissitissit Middle School) regarding an application which has been submitted by Maureen Allen, requesting a Zoning Board of Appeals **SPECIAL PERMIT** under Sections 3300 through 3320; 9221 and 9300 of the Town of Pepperell Zoning-By-Law, which if granted, would allow a home occupation for the purpose of providing the service of daycare for dogs. Subject property is located at 80 South Road, Pepperell, MA, as shown on Assessor's Map 39 as Parcel 8.

Clerk read the Notice of Public Meeting into the record.

Applicant, Maureen Allen, and her husband, Kevin Allen are present.

Chair explained that the hearing on this matter was held on October 26, 2009, and at that time, the record and hearing were closed. The purpose of this evening's meeting is for the Board to discuss and deliberate on a decision on this application.

Board Members entered into discussions relative to review of the Massachusetts State Building Code; the terms "housed" and "commercial kennel."

Town Counsel addressed the Board and said that it is up to the Board to determine/interpret whether or not the proposed application is a commercial kennel or if it meets the criteria of a home occupation. Discussion ensued among Board Members.

Mark Walsh motioned to close discussions. Annette McLean seconds. All concur.

Mark Walsh motioned that the Board find that the proposed activity falls within the definition of a commercial kennel. Annette McLean seconds. All concur.

Mark Walsh motioned that the Board finds that the proposed activity would constitute a commercial kennel operation, specifically regulated by the Town of Pepperell Zoning-By-Law Section 3242 and the Table of Uses; and is specifically prohibited in the district in which the premises lie. Therefore, no Special Permit can be granted and accordingly the application is denied. Annette McLean seconds. All concur.

Old and New Business:

Annette McLean motioned to approve the ZBA Meeting Minutes of October 7, 2009. Mark Walsh seconds. All concur.

Mark Walsh motioned to adjourn the meeting. Annette McLean seconds. All concur.

Meeting Adjourned at 7:10P.M.

ZBA Minutes of October 26, 2009 filed with Town Clerk: November 23, 2009

Respectfully submitted by:

Cheryl Lutzca,
Assistant to the Zoning Board of Appeals

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