



*Town of Pepperell*  
**BOARD OF APPEALS**  
One Main Street  
Pepperell, Massachusetts 01463  
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**Zoning Board of Appeals Meeting Minutes of September 9, 2009**

**PRESENT:** Sherrill Rosoff (Chair), Annette McLean, Mark Walsh, Sean McCaffery, Bruce Roberts; also present, Cheryl Lutcza (ZBA Assistant).

**7:00P.M.** Chair opened meeting and introduced new Associate Board Member, Bruce Roberts, who was recently appointed to the Board.

Chair announced that the first agenda item is a hearing regarding an application which has been submitted by Christine E. Morrissey on behalf of Pepperell Pharmacy, Inc., requesting a Zoning Board of Appeals Variance under Sections 4140 and 9222 of the Town of Pepperell Zoning-By-Law, which if granted, would allow an addition to the existing structure which is presently pre-existing and currently non-conforming. Pursuant to Section 4140, the side yard set back in the Commercial District is 15-feet. Applicant's proposed addition would be 7-feet from the property line; therefore Applicant seeks relief of 8-feet. Subject property is located at 74 Main Street, Pepperell, MA, as shown on Assessor's Map 23 as Parcel 125.

Clerk read the Notice of Public Hearing (legal ad) into the record.

Applicant, Attorney Christine Morrissey is present. Also present, is Tracie Ezzio, owner of Pepperell Pharmacy, Inc. Attorney Morrissey addressed the Board and explained that she is representing Pepperell Pharmacy, Inc., and proceeded to give an overview of the subject property, as submitted in the appeal application to the Board. A drawing of the proposed addition was displayed for the Board. Attorney Morrissey explained that there will be a roof overhang, which will extend to the property line. Attorney Morrissey further explained that the Planning Board has approved the plan and that the Conservation Commission has issued an Order of Conditions.

Builder, Richard Egan, also gave an overview of the plan and explained that approximately 1000 square feet is being added and there will be slab construction. Mr. Egan displayed different elevations of the plan on an easel.

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

- Response from Board of Health
- Response from Water Department
- Response from Town Engineer
- Response from Conservation Commission
- Response from Police Department
- Response from Planning Board
- Response from Highway Department
- Response from Town Counsel
- Letter of Opposition from John H. Roy, Jr.

Chair inquired if there was anyone in the audience who would like to speak in favor of, or opposition to the application.

Ron Karr, 30 Elm Street, addressed the Board and explained that he is the publisher of a book entitled "A Field Guide to Southern New England Depots and Freight Houses", which was written by John H. Roy, Jr. Mr. Karr stated that he is in opposition to the proposed addition to the subject property and made the following points:

- Gave an overview of the history of depots in the area and explained that the one in Pepperell is one of the only ones remaining in the area and has never been seriously modified since built.
- Subject property is one of Pepperell's landmarks and outstanding public buildings which was designed by an architect.
- Stick style is an extremely unusual style.
- Discussed concerns with design of proposed addition and explained that this would be a desecration of a historic building.

Tracie Ezzio, owner of Pepperell Pharmacy, Inc., addressed the Board as follows:

- Explained that she purchased the building two years ago to open a pharmacy, and at that time, the building was in terrible condition, and it took two to three months to clean the building.
- Wants to expand so that she can offer the services of vaccinations and blood pressure; and also to allow for space for on-site storage or records.

Sherrill Rosoff inquired as to how much demolition there would be to the original building. Dick Egan responded that it would be just part of the roof and that the only thing that

will change from the plan is that it will have to be done to meet building code. Mr. Egan further explained that as far as he's concerned, the building will look the same as the original building.

Discussion ensued regarding design and desire to keep the building looking the same as the original building.

Chair asked if any members of the audience wanted to comment. No response from audience.

Chair asked if Board Members had any questions. Board Members did not have any questions.

Mark Walsh motioned to close the public hearing and take matter under advisement. Annette McLean seconds motion. All concur.

Mark Walsh motioned to grant a Variance for the requested relief as follows:

1. Under M.G.L. Chapter 40A, Section 6, the extension of the structure which is the home of Pepperell Pharmacy, Inc., is not substantially more detrimental than the existing non-conforming use to the neighborhood. Annette McLean seconds motion. All in favor.
2. Under Section 9222 of the Town of Pepperell Zoning By-law, the Board finds that due to circumstances relating to the soil conditions, shape or topography, which does not affect the district generally, a literal enforcement of the provisions of the Town of Pepperell Zoning-By-law would involve substantial hardship to the petitioner. Annette McLean seconds motion. All in favor.

**7:50P.M.** Chair announced that the second agenda item is a hearing regarding an application which has been submitted by Thomas G. Beek, 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. The proposed accessory apartment would be family-occupied and located in an existing building, which would be renovated and attached to the main house on the lot. Subject property is located at 6 Jewett Street, Pepperell, MA, as shown on Assessor's Map 20 as Parcel 70.

Clerk read the Notice of Public Hearing (legal ad) into the record.

Applicant, Thomas Beek, is present, and addressed the Board as follows:

- Explained that his brother-in-law would like to move into the apartment.
- The buildings have been on the subject property since 1978.

- Structure where accessory apartment will be located was previously used for storage and will be renovated and connected to the main house via a breezeway, and will have the same outward appearance as the main house.

Denise Beek and Alan Gabrielsen discussed an overview of the plans with the Board.

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

- Response from Water Department
- Response from Board of Health
- Response from Police Department
- Response from Highway Department
- Response from Planning Board
- Response from Conservation Commission
- Response from Town Engineer
- Response from Town Counsel

Chair asked if any members of the audience wanted to comment. No response from audience.

Chair asked if Board Members had any questions. Board Members did not have any questions.

Applicant, Thomas Beek, signed an Affidavit of Owner Occupancy.

Mark Walsh motioned to close the public hearing and take matter under advisement. Annette McLean seconds motion. All concur.

Annette McLean motioned to grant the requested relief, a Special Permit to allow an accessory apartment, as submitted in the application to the Board. Mark Walsh seconds. All in favor.

**Old and New Business:**

Mark Walsh motioned to approve the ZBA Meeting Minutes of June 16, 2009. Annette McLean seconds. All concur.

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

Meeting Adjourned at 9:00P.M.

ZBA Minutes of September 9, 2009 filed with Town Clerk: October 15, 2009

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

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