



Town of Pepperell
BOARD OF APPEALS
One Main Street
Pepperell, Massachusetts 01463
(978) 433-0333
Fax: (978) 433-0335

Zoning Board of Appeals Meeting Minutes of March 31, 2010

PRESENT: Sherrill Rosoff (Chair), Annette McLean, Sean McCaffery, Bruce Roberts, and Cheryl Lutcza (ZBA Assistant).

7: 01P.M. Chair announced that the first agenda item is a hearing regarding an application submitted by Bettyann Cernese, requesting a Zoning Board of Appeals **SPECIAL PERMIT** under Section 3320 of the Town of Pepperell Zoning-By-Law, which if granted, would allow a home occupation for the purpose of conducting massage therapy. Subject property is located at 35 Maple Street, Pepperell, MA, as shown on Assessor's Map 13 as Parcel 75. A public hearing will be held on this matter at the Pepperell Town Hall, Conference Room A, on Wednesday, March 31, 2010, at 7:00 P.M.

Chair also announced that Board Member, Mark Walsh, was not present, and that Associate Board Member, Bruce Roberts would be sitting on this hearing.

Applicant, Bettyann Cernese, was present. There were no abutters present.

Clerk read the Notice of Public Hearing into the record.

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

- Planning Board
- Police Department
- Highway Department
- Water Department
- Conservation Commission
- Board of Health/Nashoba Associated Boards of Health
- Town Engineer
- Town Counsel

Applicant, Bettyann Cernese, addressed the Board, explaining that she has been a licensed Massage Therapist since 2000, and has been operating her business, Forward Motion Massage, in Groton, MA since 2001. She expanded the business to the Holistic Center in 2002. In 2005, she purchased a condo unit at Mill Run in Groton, MA. Last year, she merged with Groton Wellness and has been operating out of there since. Groton Wellness is now buying her out, and she would like to operate her massage therapy business out of her home in Pepperell and would be servicing her existing clientele.

Annette McLean inquired if the Applicant's home is currently licensed as a business with the state? Applicant (Ms. Cernese) responded that she has to wait until she has a Special Permit allowing a Home Occupation from the Zoning Board of Appeals before she can apply to the State for a license.

Bruce Roberts inquired if the Applicant plans to have other therapists join the business? Applicant replied, "No."

Applicant explained that she also does "house calls" only for massage therapy for dogs and horses.

Sherrill Rosoff inquired as to where the business would be located in the Applicant's home? Applicant gave an oral description of where the office would be located in her home and stated that a floor plan was submitted with the application to the ZBA.

Bruce Roberts inquired as to whether the Applicant would have a sign. Applicant responded that she would like to have a sign at some point, but hasn't looked into what the sign regulations are. Annette McLean commented that the sign would have to comply with the Zoning-By-law.

Annette McLean inquired as to how many clients the Applicant would see in one day? Applicant responded that she would see an average of 3 clients per day, and some days would not see any clients.

Chair inquired if anyone had any further questions or comments.

Annette McLean motioned to close the record and the hearing. Bruce Roberts seconds. All concur.

Board enters deliberations and discussions ensue.

Annette McLean motioned to grant the relief requested, a Special Permit to allow a Home Occupation at the subject property. Bruce Roberts seconds. All concur.

Applicant signed a Statement of Residence.

Old and New Business:

- Bruce Roberts motioned to approve the ZBA Meeting Minutes of March 31, 2010. Annette McLean seconds. All concur.
- Discussion ensued regarding a letter received by the Board, dated March 2, 2010, from Attorney Melissa Robbins of Deschenes & Farrell, P.C., Chelmsford, MA, in which they requested a one-year extension on the 40B Comprehensive Permit issued by the ZBA on November 1, 2005, on behalf of their client, Lowell Place Realty Trust, for the property located at 131 Lowell Road, Pepperell, MA. In reviewing this request, the Board noted that Condition No. 22 of the 40B Comprehensive Permit specifically states:

“Construction authorized by this Comprehensive Permit shall commence within two (2) years of the date of filing with the Pepperell Town Clerk. The project shall be completed within five years of the date of filing of this permit with the Town Clerk, except that the Board may grant an extension of time for completion upon showing of good cause by the Applicant. These periods shall be toiled in the event an appeal is taken from this Decision. Failure to exercise these rights within the stated time period or without extension shall cause this permit to lapse...”

Where the Board has no evidence that the Developer has begun any construction on the project within two years of the date (November 8, 2005) that the 40B Comprehensive Permit was filed with the Town Clerk, the Board has determined that this constitutes a violation of the Conditions of the Comprehensive Permit, and as such, instructed Cheryl Lutcza (ZBA Assistant) to contact Town Counsel and request his guidance on this issue. The Board also requests that Town Counsel communicate directly with Attorney Robbins, on the Board’s behalf, regarding this matter.

Annette McLean motioned to adjourn the meeting. Bruce Roberts seconds. All concur.

Meeting Adjourned at 8:09P.M.

ZBA Minutes of March 31, 2010 filed with Town Clerk: May 11, 2010

Respectfully submitted by:

Cheryl Lutzca,
Assistant to the Zoning Board of Appeals

cc: Town Clerk
Inspector of Buildings
Town Counsel
ZBA Minutes file
ZBA Members
ZBA Application File(s)