



*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 March 23, 2011**

**PRESENT:** Zoning Board of Appeals Members and Town Counsel present at Site Visit to subject property at 60A Nashua Road and public hearing at Town Hall: Sherrill Rosoff, Mark Walsh, Annette McLean, Sean McCaffery and Attorney Edward Richardson (Town Counsel). Also present (hearing only): Cheryl Lutzca (ZBA Assistant).

**5:00P.M.** The Board conducted a Site Visit at the subject property at 60A Nashua Road, Pepperell, MA. Applicant, John Chapman, was present, along with his legal counsel Attorney Thomas Gibbons and Attorney Darren Lanza. One abutter was also present. Upon conclusion of the Site Visit, the Board reconvened at Town hall.

**5:40P.M.** Sherrill Rosoff, Chair, opened the meeting and announced the first agenda item is a continuation of a hearing first heard on February 16, 2011, regarding an application submitted by John Chapman, requesting Zoning Board of Appeals **VARIANCES** under Sections 4230, 4235 and 4000 of the Town of Pepperell Zoning-By-Law, which if granted, would allow for reduced contiguous upland area of approximately 14,951 square feet rather than the required 30,000 s.f. Variance from lot shape requirement specified in Section 4234 to allow lot shape calculation of .32 rather than the required lot shape of equal to or greater than .40. Subject property is located at 60A Nashua Road, Pepperell, MA, as shown on Assessor's Map 15 as Parcel 20-1.

Applicant, John Chapman, was present. Also present, were Applicant's legal counsel, Attorney Thomas Gibbons and Attorney Darren Lanza of the Law Office of Thomas Gibbons, Ayer, MA.

There was one abutter present at the public hearing.

Clerk read the Notice of Public Hearing into the record.

Chair invited Applicant and/or legal counsel to address the Board regarding the relief being requested.

Attorney Gibbons addressed the Board, on the Applicant's behalf, as follows:

- Applicant has obtained signatures in support of application. Large amount of signatures are from residents of Nashua Road. Attorney Gibbons submits this Petition of Support as a new exhibit.
- Attorney Gibbons thanks the Board Members for conducting the site visit.
- Gives a summary of reasons Applicant needs Variance (i.e., lot shape, stream dividing lot).
- There will be no impact on catch basin.
- Proposed house will fit in with the neighborhood.

Mark Walsh inquired as to what size the other lots are of properties in the area. Attorney Gibbons responded that the lot for the subject property is 80,000 square feet; however he is unsure of the lot sizes of other properties in area.

Sherrill Rosoff commented that it is clear from visiting the site that the driveway is going over the leach field. Engineer for Applicant (Douglas Smith) gives an explanation of leach field design.

Mark Walsh commented that Applicant/Attorneys discussion with Peter Shattuck (Highway Department) was that swale not be disturbed. Attorney Gibbons elaborates on discussion with Peter Shattuck regarding swale and said that they had even offered an easement to the Town Applicant, John Chapman, said that the swale was manmade by a neighbor (Mr. Butler) on left and that Mr. Butler was never given permission to do so.

Chair invited members of the audience to make comments.

Applicant commented that he walked around for six hours getting signatures on Petition of Support and not one person refused to sign.

Attorney Gibbons commented that there has not been anyone opposed to the application at any of the hearings.

Petition of Support is submitted into the record as an Exhibit.

Nandee Willetts, 22 Groton Street, inquired if “this” has been approved before. Town Counsel replied that it was approved three times in the past.

Chair explained that variances are not precedent setting, and that there is a one-year lapse on variances. Town Counsel further explained that a variance, by definition, is for a limited period (one year) or it lapses.

Attorney Gibbons explained that they are here because past variances have lapsed due to reasons beyond the Applicant’s control. He also commented that Doug Smith (Engineer) has a plan approved by the Board of Health and that the house fits in the neighborhood.

Annette McLean motioned to close the hearing and record. Mark Walsh seconds. All concur.

Board enters into discussions and deliberations.

Attorney Gibbons inquires as to whether hearing can be re-opened so that he can explain the circular driveway and that it is not a necessity. Chair re-opens hearing. Discussion ensued regarding circular driveway.

Annette McLean motioned to reclose hearing and record again. Mark Walsh seconds. All concur.

Board enters back into discussions and deliberations.

Chair asks for roll call vote in favor of, or in opposition to relief requested. Roll call vote taken as follows:

Mark Walsh: Aye  
Annette McLean: Aye  
Sherrill Rosoff: Aye.

Mark Walsh motioned to grant the requested relief, VARIANCES under Sections 10,000, 4000, 4230 and 4235 of the Town of Pepperell Zoning-By-Law, to allow for reduced contiguous upland area of approximately 14,951 square feet rather than the required 30,000 s.f. and a Variance from lot shape requirement specified in Section 4234 to allow lot shape calculation of .32 rather than the required lot shape of equal to or greater than .40, at the subject property located at 60A Nashua Road, Pepperell, MA, as shown on Assessor's Map 15 as Parcel 20-1. All concur.

**Old and New Business:**

- Mark Walsh motioned to approve the ZBA Meeting Minutes of February 16, 2011. Annette McLean seconds motion. All concur.

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

Meeting Adjourned at 7:15P.M.

**ZBA Minutes of March 23, 2011 filed with Town Clerk: June 28, 2011**

**Respectfully submitted by:**

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**Cheryl Lutcza,  
Assistant to the Zoning Board of Appeals**

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