



Town of Pepperell

Planning Board

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MINUTES

Monday, March 23, 2009

Pepperell Town Hall

Members Present: Nick Cate, Dennis Kane, Mark Marston, Steve Themelis

Members Absent: Rick McHugh

CALL TO ORDER:

Mr. Cate called the meeting to order at 7:00pm.

VOUCHERS:

- Payroll vouchers were endorsed. (3/14/09; 3/21/09; 3/28/09; 4/4/09; 4/11/09)
- Lowell Sun voucher endorsed \$197.20

ACCEPTANCE OF MINUTES:

- The Board M/S/V to approve the minutes of February 23, 2009.

BUILDING &/OR OCCUPANCY PERMITS:

- None

ANR PLANS:

- ANR – Mason Street (Gardner)
The Board M/S/V to endorse a revised plan for Assessors Map 34 Lot 32 on Mason Street. The original plan was endorsed in December 2007. A change to that plan removing a cart path from the plans was presented and the applicant requested the Board endorse the revised plan.

ACTION ITEMS:

- ZBA Application Comments – Scotch Pine Farm
The Board had no further comments regarding this application.
- Julia Lane Road Acceptance Recommendation
The Board M/S/V to accept the final as-builts that had been approved by the Town Engineer. The Board further agreed to submit a recommendation to the Board of

Selectmen that the road layout should be accepted and that the Board would offer a final acceptance recommendation at Town Meeting once completion of the punch list had been completed, mostly catch basin clean-up and street sweeping.

APPOINTMENTS/HEARINGS:

- **7:15 – Public Hearing – Proposed Zoning Amendments to the Zoning Bylaw**

Mr. Cate opened the Public Hearing at 7:15pm stating the purpose of the hearing and requesting all present to sign the attendance sheet.

Mr. Themelis read the public hearing notice for the record.

The Board began discussion on the proposals. (A copy of the proposed zoning changes is attached to these minutes for reference.)

1. 2200 – A question was raised as to what is the mixed use district. A brief explanation of the district was given. The Board agreed to move forward with this proposed change.

2. 3311 – Many concerns arose over these proposed changes. Concerns regarding opposition to allowing the accessory structures for home occupation. There were concerns of vehicles and activity too close to neighbors. There were questions about who controls the accessory structures and fears that a neighbor would build a huge barn for use with their home occupation. The Board explained that other sections of the bylaw regulate accessory structures. Mr. Kane asked if there should be a reference to the other sections of the bylaw in this change. Mr. Cate explained that there were too many references to make and that it would not be a good idea. The audience further protested that this would only aide in escalating a home occupation into something else. They were reassured that other zoning regulations would be effective against this and that there is no intent to allow for larger businesses at home than is currently allowed. The Board agreed they would study and see if any further changes need to be made with regards to the accessory structures. Mr. Marston reviewed with the audience the other subsections of this home occupation bylaw so that they could put this into context. Again it was explained that the changes are not to allow expansion of what is currently allowed. With regard to concerns about noise, Mr. Cate explained that with a home occupation, any complaints have recourse through the town but that residents without the home occupation do not have much recourse. Questions regarding how to best present the proposed changes at town meeting were asked. Audience members felt it would be best if all proposals were put into context with a brief explanation to make things clear. They also felt a complete before and after for each section was not necessary.

3314 – in many concerns regarding parking of commercial vehicles at home occupations were brought up. Mr. Cate read the section that governs parking of commercial vehicles at a home and explained that by not allowing them at the home occupation they were contradicting. It was suggested that a reference to the section be included. The Board agreed to add a statement (commercial vehicles allowed per the guidelines of Section 3234 of this bylaw). With regards to environmental concerns the Board directed them to the section regarding environmental hazards in the bylaw. It was discussed about fuel storage and determined that the Fire Department has control on this issue. Mr. Themelis read a letter from Joe Sergi which asked the Board to leave the statement as it currently reads. Mr. Themelis also read an e-mail that had circulated and ended up at the Planning Board office that expressed concerns over deletion of all other subsections in the bylaw and that

commercial vehicles now being allowed would ruin the rural character of the town. Mr. Cate explained that a situation where someone works for a company and brings their commercial vehicle home at night is allowed but that a contractor who is self employed and a registered by-right home occupation could not do the same the way the bylaw is currently written and this should not be the way it is. Mr. Cate explained the change is necessary but that by adding the additional statement it should be better understood.

3321 – The concern regarding deleting all of the subsections of Section 3310 in the Special Permit Home Occupation section was unfounded. The Board explained that all subsections remain in place and that they all fall under the main section so if you ask for compliance with the main section you are also asking for compliance with all subsections. To address concerns in Mark Walsh’s e-mail where he expressed concern that an item in the special permit section on Home occupations conflicts with a section in the as of right home occupation it was decided to add “unless otherwise specified” to this change.

3322 – An additional statement referencing as it complies with Section 3234 will be added to the new proposal for 3322.

3325 – It was explained that this additional requirement is to further define retail sales and to specify no allowance for a retail home occupation, unless it is in small areas like would be with a hairdresser selling a small amount of hair products at her salon.

3. Change of word spelling had no comments.
4. Change of word spelling is okay.
5. Adding the word gross is okay. The audience asked that something be put in the explanation about what gross area is.
6. This change was acceptable. It was questioned if you could have both commercial and residential on a second floor. There was no definitive answer on this.
7. This change was acceptable. It was questioned where the 120sf dimension came from and it was explained that it was elsewhere in the bylaw but just did not get changed in this section.
8. This change is okay.
9. This change is fine.
10. This change is fine.
11. This change is fine.
12. This change is fine.
13. It was pointed out that the dimension of 2 inches on the unit numbers should be 6 inches instead.
14. This change is fine.
15. It was asked for the zoning districts to be placed above the columns for clarity. The Board decided not to add the home after family in the day cares. The fast food change was fine. The change to rental facilities should be changed to special permit by Planning Board. The club change in the RCR is fine, but should allow by SP in Industrial zone. The recreational retail change is okay. The addition of soil to Earth removal is okay.

After reviewing and commenting on all the proposed changes the Board M/S/V to continue the public hearing to April 13 at 7:30pm. The Board will review the revised articles and vote to submit them to the Selectmen for the warrant.

CORRESPONDENCE & DISCUSSION:

The Board was briefly informed of the budget information that had been sent to departments late Friday. The administrator stated she would forward the e-mail to the members for their review. Departments were requested to be present at a meeting tonight of the Board of Selectmen and Finance Committee. No one was able to be present at that meeting due to the zoning amendments public hearing.

CLOSE MEETING:

With no further business to discuss the meeting was adjourned.

APPROVED:

Nicholas A. Cate

Mark F. Marston

Dennis A. Kane

Richard C. McHugh, Jr.

Stephen C. Themelis