

MINUTES

Monday, July 13, 2009

Pepperell Town Hall

Members Present: Nick Cate, Dennis Cane, Mark Marston, Rick McHugh, Steve Themelis

Members Absent: None

CALL TO ORDER:

Mr. Cate called the meeting to order at 7:04 pm

VOUCHERS:

- Payroll vouchers were endorsed (07/02/09, 07/11/09, 07/18/09, 07/25/09, 08/01/09, 0808/09)
- Voucher for NMCOG was endorsed

ACCEPTANCE OF MINUTES:

The Board moved to approve the minutes of June 8, 2009.

BUILDING &/OR OCCUPANY PERMITS:

None

ANR PLANS:

Heald Street - Lynde

The Board reviewed an ANR plan for 74 Heald Street. The Lynde's will be getting 930 square feet of land from Todd Russell, 76 Heald Street. All checklist items were reviewed and one item was missing. The ANR was not signed as a formal application had not been submitted. The ANR will be reviewed at the August 10, 2009 meeting.

ACTION/DISCUSSION ITEMS:

75 Groton Street – Court Decision

The Board agreed they are disappointed with the judge's decision and feel he did not address the zoning issues and in particular, that retail sales are not allowed in the Suburban district. Attorney Kingsbury will be invited to meet with the Board on July 22nd to discuss the next step.

APPOINTMENTS/HEARINGS:

7:15 pm – Public Hearing – SP2009-02 – Application for Site Plan Review under Section 9400 of the Zoning Bylaws on property located at 74 Main Street shown on Assessors Map 23 Lot 125. Applicant: Pepperell Family Pharmacy, 74 Main Street, Pepperell, MA 01463

Mr. Cate opened the Public Hearing at 7:30 pm and asked if anyone other than the media was taping the proceedings, asked all present to sign the attendance sheet and confirmed payments for advertising and postage had been received.

Mr. Themelis read the legal notice for the record. Mr. Cate stated the purpose of the hearing.

J. Visniewski, representing Ms Ezzio, presented a plan showing the existing site. He explained the existing building, a former railroad depot, is only 7' from the side property line. Because her business is doing well, the owner would like to expand the building toward Main Street. The historical significance of the building will be maintained and a conceptual plan was shown. An application has been submitted to the Board of Appeals requesting a variance from the side yard setback.

The existing parking area will not be disturbed. Bob Lee, Chief Davis and the Conservation Commission wanted access to the new parking to come directly from Carter Street and this is shown on the new plan submitted today.

Mr. Themelis read the Conservation Commission's memorandum dated June 30, 2009 into the record.

There is concern about the wetlands and the Riverfront area and Mr. Visniewski said they will treat all water coming into and leaving the site and they will be doing a lot of mitigation. He reviewed the storm management plans. He is confident Conservation likes the plans and they meet with them again on July 21st.

Mr. Cate asked what the site will look like from Main Street with the vegetation and was told it will be shrubbery height. Mr. Themelis asked if reducing some of the parking spaces would help in terms of Conservation and Mr. Visniewski said it would help the numbers because they would be taking away pavement. They meet zoning requirements for parking spaces and have a couple of more spaces than needed.

J. Visniewski said the lighting plan will be the same as what is currently there and no landscaping is planned. Mr. Cate suggested the parking lot in the back corner may need lights. He asked if No Parking signs will be put up on Carter Street and Mr. Visniewski said that while this may be nice to do, it was not suggested by the police chief.

Mr. Cate asked about a dumpster and was advised one is not there and they do not plan to have one since they recycle and do not generate that much waste. If one is placed on the property, it will have to be screened. Mr. Visniewski said he addressed all of the Town Engineer's comments and the correct width of Carter Street has been resolved.

Discussion about the proposed plantings with respect to visual impact and security ensued. Mr. Visniewski said they cannot plant flowers nor mulch the area. In order to pave and extend the roof, they have to do mitigation. He said he has more credits than pavement. Mr. Marston would like comments sent to the Conservation Commission advising the Board would like to see plantings that are low and spread rather than grow tall. He wants the owner to be able to maintain the area and Mr. Themelis would like it to remain grass.

Mr. Cate moved to continue Special Permit Hearing 2009-02 to July 27, 2009 at 7:15 pm.

Seconded by S. Themelis

SO VOTED IN FAVOR UNANIMOUSLY

Public Hearing – SP2009-03 – Application for Site Plan Review under Section 9400 of the Zoning Bylaws on property located at 16 Groton Street shown on Assessors Map 25 Lots 32, 33, 34. Applicant: Shattuck Oil, 16 Groton Street, Pepperell, MA 01463

Mr. Cate opened the Public Hearing at 8:11 pm and asked if anyone other than the media was taping the proceedings, asked all present to sign the attendance sheet and confirmed payments for advertising and postage had been received.

Mr. Themelis read the legal notice for the record. Mr. Cate stated the purpose of the hearing.

Mr. Visniewski, representing Lou Berube, showed a plan of the existing site. With the Nissitissit River running behind the property, he said the project is within the Riverfront and mitigation and restoration applies. He showed the area that needs to be remediated due to a historical spill and said Mr. Berube is working with DEP and Natural Heritage.

The site currently has seven tanks in a concrete containment structure and the owner would like to replace them with updated ones and locate them in a new containment structure covered with a lighted canopy. Trucks would be loaded here and any spills would be contained. The old tanks and containment structure would be removed and the area would be used for parking. Trucks parking next to the river would be eliminated. They propose to mitigate the entire site and they have a storm water management system designed for a 25 year storm event.

Mr. Berube said he currently stores 165,000 gallons of fuel and the tank he plans to bring from the mill site will hold 150,000 gallons. He will also have (2) 10,000 gallon tanks or (1) 20,000 and (1) 10,000 gallon tank. The tanks will hold kerosene, heating oil and bio-diesel fuel.

Mr. Coluccio, of Web Engineering, explained how the concrete dike will be constructed. Mr. Berube said the tanks sit on a pad above the floor level and any water that accumulates will evaporate. The facility is approved by the Department of Fire Services. When asked how long the project will take, Mr. Berube said it will take about 5 days to excavate the contaminated area and noted there is a small window of time when the work can be done. He plans to do this area first but do all the excavation at the same time. The project should take about 4 months.

Mr. Themelis read the Conservation Commission's memorandum, dated July 9, 2009, and the Fire Chief's comments into the record. The Town Engineer submitted comments this evening and a copy was given to Mr. Visniewski.

Mr. Marston moved to continue Special Permit Hearing 2009-03 to July 27, 2009 at 7:45 pm.
Seconded by Mr. McHugh

SO VOTED IN FAVOR UNANIMOUSLY

CORRESPONDENCE & DISCUSSION:

Mr. Visniewski asked the Board's opinion as to whether a special permit is needed for the construction of a garage in the WRPOD if construction and access are not within 100' of wetland areas and if the 15% coverage, or 2500 square feet, whichever is greater, is not exceeded. The Board does not believe a special permit is required unless the Building Inspector determines otherwise.

The mail was reviewed without comments.

CLOSE MEETING:

With no further business to discuss, the meeting was adjourned at 9:25 p.m.

APPROVED:

Nicholas A. Cate

Mark F. Marston

Dennis A. Kane

Richard C. McHugh, Jr.

Stephen C. Themelis