



# Town of Pepperell

## Planning Board

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### MINUTES

Monday, March 29, 2010

Town Hall

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

**CALL TO ORDER:** Mr. Cate called the meeting to order at 7:05pm. Mr. Themelis left the meeting at 7:10 to attend the Board of Selectmen meeting, he returned at 8:10pm.

### VOUCHERS:

- Payroll vouchers for weeks ending 4/3/10 and 4/10/10 were endorsed.
- Roger's Sweeping voucher \$400.00 for clean-up at Julia and Beaver Creek was endorsed.
- Pepperell Water Dept. voucher for \$2,011.57 for work at Beaver Creek & Julia was endorsed.

### ACCEPTANCE OF MINUTES:

- The Board M/S/V to approve the minutes of March 8, 2010.

### ANR PLANS:

- Heald Street – Maynard  
Board reviewed plan to create 2 new lots per the ANR checklist and M/S/V to endorse.
- Lawrence Street – Nashoba Homes  
Board reviewed plan to create 4 new lots per the ANR checklist and M/S/V to endorse.

### ACTION/DISCUSSION ITEMS:

- Goals and Objectives for Planning Board  
The Board reviewed the goals and objectives created by the Planning Administrator and agreed they were suitable for submission to the Town Administrator.
- Schedule Bylaw Amendment Public Hearing  
The Board agreed to schedule a public hearing for April 26, 2010 at 7:15pm to propose amendment to the Flood Hazard Area definition.

### APPOINTMENTS/HEARINGS:

- **7:15pm – Public Hearing** – SP2010-01 Application for Special Permit for Common Driveway under Section 6200 of the Zoning Bylaw on property located at Nissitissit Lane and Pierce Street and shown on Assessors Map 11 as Lot 2. Applicant: H.E.S.

Realty Trust, Harold West, Trustee, 64 Woods Court, Dunstable, MA 01827

Mr. Cate opened the Public Hearing at 7:32pm. Mr. Kane read the legal notice for the record. Mr. Cate stated the purpose of the public hearing.

Jeff Hannaford was present as the applicant's engineer. Harold West, owner was also present.

Mr. Hannaford reviewed the plans for a common drive to serve three homes off Nissitissit Lane. He explained that this land is the remaining land after two ANR lots were sold for construction. He further stated that the purpose of utilizing a common drive from Nissitissit is to minimize the wetland disturbance, as access from Pierce Street would have too much wetland impact. The proposed homes will access town water and have private septic.

Mr. Hannaford said that he had reviewed all of the comments presented from the boards and departments and had addressed most of them but would still need to have discussions with the Town Engineer before finalizing changes and submitting revised plans.

There was discussion about using porous pavement on the driveway. Mr. Hannaford said that he had looked into it but found it to be too costly for residential use and a better suit for commercial uses.

Mr. Cate reviewed all of the comments submitted. Mr. Hannaford stated they would be submitting a Notice of Intent with Conservation and will remove the references to salt and chemical in the covenant.

Mr. Cate asked for audience comments. One abutter questioned if there could be restriction for paving the driveway in the covenant. It was agreed that it could.

Mr. Hannaford stated he will address all outstanding comments and issue with Bob Lee directly and resubmit a revised plan.

The Board M/S/V to continue the Public Hearing to 7:15pm on April 12, 2010.

- **7:45pm – Public Hearing** – Citizen's Petition – Kennels – Presented by Maureen Allen, 80 South Road, Pepperell, MA 01463

Mr. Cate opened the public hearing at 8:15pm. Mr. Themelis read the legal notice for the record. He also read a letter submitted by an abutter, Pam Worden, that expressed her opposition to the proposal.

Present for the hearing were Attorney Christine Morrissey and the petitioners Mr. & Mrs. Allen and abutters Pam Worden and Kathy Santos.

Mr. Cate reviewed the proposed articles to change the definition of commercial kennel and add a definition for dog day care and to change the table of use.

Ms. Santos stated that she felt the current table of use was restrictive enough and that no change should be made.

Mr. Cate stated that the Board was not in favor of the change and does not recommend the town meeting accept.

Attorney Morrissey stated the case that when the application was before the Board of Appeals that they were hung up on the definition of housing the dogs and not on the use itself. She further presented that with the changing times more people are electing to have pets and not children and this is similar to years ago when child day care facilities started up. It was asked if other communities had adopted similar zoning in residential areas. Atty. Morrissey stated that the town of Wellesley had recently done so and she had modeled this proposal after theirs. She said that the purpose of the proposal is to try and fill a need in the community.

Mr. McHugh stated that he agreed there could be a need for this type of business but in

the commercial areas not in residential areas. Mr. Marston stated that if the town were to pass this amendment that he did not want to see the Board of Appeals as the permitting authority and that he felt it would be better to have the Planning Board review the permits. Mr. Cate agreed that there is a better place in the community for this type of business.

Mr. Cate said that the Board would likely offer no comment or comment that they did not support the proposal at the town meeting. He said that the Planning Board must focus on what is in the best interest of the town and that this change would affect the entire community allowing all residential neighborhoods to have this type of business. He further emphasized that this type of business is best suited for the commercial or industrial zones and there are sufficient places available.

The Board all agreed that there should be concern for safety with such a large number of dogs allowed and the possibility of them escaping from the facility. Mr. McHugh stated that he could not support this request. The Board determined that they would need to decide if they wished to offer an oral or written report or no report at all for the town meeting.

The Board M/S/V to close the public hearing.

After a brief discussion the Board agreed a written recommendation not supporting the petition would be prepared for the meeting.

- **7:15pm – Public Hearing Cont.** – WRPOD Bylaw Amendment & Wind Energy Bylaw  
Mr. Cate opened the continued Public Hearing at 8:45pm. Mr. Marston asked that a change be made in section 6362 deleting “where possible” in the Wind Bylaw. The Board agreed with that change the rest of the bylaw was okay. The Board M/S/V to forward to the Board of Selectmen for the warrant.  
The Board agreed that the WRPOD Bylaw was fine. The Board M/S/V to forward to the Board of Selectmen for the warrant.  
The Board M/S/V to close the public hearing.

**CORRESPONDENCE/OTHER:**

Mail was reviewed.

Without any further business the meeting was closed at 9:34pm.

**APPROVED:**

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Nicholas A. Cate

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Mark F. Marston

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Dennis A. Kane

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Richard C. McHugh, Jr.

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Stephen C. Themelis