



Town of Pepperell
BOARD OF APPEALS

One Main Street
Pepperell, Massachusetts 01463
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Zoning Board of Appeals Meeting Minutes of April 10, 2019*

**This meeting was cablecast live and recorded for future cablecast by Pepperell Community Media*

Present: Sean McCaffery, Annette McLean, and Alan Leao, Jr. Also present, Cheryl Lutcza (ZBA Assistant).

Not Present: Mark Walsh (Chairman)

7:01PM: Continuation Hearing - ZBA-2018-11: 44 Townsend Street - (Covered Bridge Properties, LLC):

An application has been submitted by Covered Bridge Properties, LLC, requesting Zoning Board of Appeals **SPECIAL PERMITS**, under Sections 3520, 3521, 3530, 9221, 9320 (and any other permit relief as may be required for the proposed project) of the Town of Pepperell Zoning By-Law, for extension of a non-conforming use and alteration or extension of a nonconforming structure, which, if granted, would allow extension of a pre-existing, non-conforming multi-family use and structure on the property, a building with 12 apartment units, by allowing for construction of two (2) additional structures each containing 12 units, for a total of 24 new units. The subject property is located at 44 Townsend Street, Pepperell, MA, as shown on Assessor's Map 20 as Parcel 64-0. A public hearing was held on this matter at the Pepperell Town Hall, Conference Room A, on Wednesday, February 27, 2019 at 7:30P.M. A public continuation hearing was held on this matter at the Pepperell Town Hall, Conference Room A, on Wednesday, April 10, 2019 at 7:00P.M.

Board Member, Sean McCaffery, opened the meeting and continuation hearing (original hearing was held on February 27, 2019) and announced that he would be Acting as Chairman this evening (in the absence of Chairman, Mark Walsh).

Clerk read Notice of Public Hearing into the record.

Applicant, Angelo Tracano of Covered Bridge Properties, LLC., was not present. Applicant's legal counsel, Attorney Douglas Deschenes was not present. Abutters and/or members of the public were present.

Acting Chairman announced that the Applicant has submitted written requests (Exhibit T and Exhibit U), dated March 27, 2019, via his legal counsel (Attorney Douglas Deschenes of Deschenes and Farrell, P.C., Westford, MA) to withdraw their ZBA Application, without prejudice; and, a request for a refund of the filing fees paid in association with said ZBA Application.

The Board Members review a letter received from Fox Farm Common Drive Association, dated April 8, 2019 (Exhibit V). Ms. McLean made a motion to enter said letter into the record. Mr. Leao seconds. All concur.

The Board entered into a discussion regarding the Applicant's request for a refund of the filing fees associated with the Application. Ms. McLean made a motion to deny the request for a refund of the filing fees associated with the Application. Mr. Leao seconds. All concur.

Abutters, Michele-Gaudet Smith and Chuck Smith (2 Fox Farm Lane), addressed the Board and inquired about the above-mentioned letter from Fox Farm Common Drive. The Board explained that the Building Inspector (Robert Kelly) issued a letter, dated April 3, 2019, to Covered Bridge Properties LLC, asking them to address the issue (concerning exterior lighting). Mr. McCaffery explained that the Building Inspector is the Zoning Enforcement Officer and that this issue is outside of the realm of the ZBA.

Acting Chairman reviewed the Applicant's requests, dated March 27, 2019 and March 29, 2019, to withdraw, without prejudice, the ZBA Application (ZBA-2018-11), for the property located at 44 Townsend Street. Acting Chairman asked for a motion on the request. Ms. McLean made a motion to accept the request to withdraw, without prejudice, ZBA Application (ZBA-2018-11), for the subject property located at 44 Townsend Street. Mr. Leao seconds. All concur.

Acting Chairman asked for a motion to close the public continuation hearing. Mr. Leao made a motion to close the public continuation hearing. Ms. McLean seconds. All concur.

Old and New Business: There was no old or new business conducted.

Adjournment:

The Acting Chairman asked for a motion to adjourn the meeting. Mr. Leao made a motion to adjourn the meeting. Ms. McLean seconds. All concur. **Meeting adjourned at 7:14p.m.**

ZBA Minutes of **April 10, 2019** were filed with Town Clerk on: August 19, 2019

Respectfully submitted by:

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

cc: Town Clerk
Inspector of Buildings
Town Counsel (via email)
ZBA Members (via email)
ZBA Application File: (ZBA-2018-11 - 44 Townsend St. (Covered Bridge Properties, LLC)
ZBA Minutes file (original)