



Planning Board

Meeting Minutes of June 6, 2022

Board Members:

Present: Al Patenaude, Joyce Morrow, Joan Ladik, and Tiffany James

Not Present: Casey Campetti, David Ganong

Staff: Jenny Gingras (Town Planner), Cheryl Lutcza

Attendees: Gerald Couper (Pepperell Community Media), Ted Brovitz, Mark Matthews, Chris Hayes, Sherrill Rosoff, Tereze Stokes, E. Faxon, Kelli Kinney, Ken Hartlage, Bentley Herget, Clifton James, Renee D'Argento, April Healey, Carolyn Ahdab and Dave Lavender, Deb Fountain, Diane Temple, John Ladik, Kevin Overshiner/Upswing Farm, Paula Terrasi, Susan Smith, Chuck Walkovich, Russell Dougan, Tony Beattie.

1. Call To Order:

7:00P.M. The remote public meeting (recorded for future broadcast by Pepperell Community Media) was called to order by Mr. Patenaude, Acting Chair, in the absence of Mx. Campetti.

2. Reports/Correspondence/Discussion: (taken out of order at 7:00p.m.)

(Matters may arise that the Chair did not reasonably anticipate)

- a. Presentation by NMCOG on Smart Growth Overlay District (Ch. 40R) Analysis and Mixed-Use Overlay District (MUOD)

Chris Hayes (Housing and Economic Planner for NMCOG) provide a screen share and presentation:

- Goal 1: Revitalization
- Goal 2: Reach SHI (Subsidized Housing Inventory) Goals
- Goal 3: Preferred Alternative to 40B (40R is an alternative to 40B's)

Ted Brovitz (Brovitz Community Planning and Design) provided a presentation via screen share on the second draft of the MUOD, which would help revitalize the Town Center, and is consistent with the Master Plan.

- Town Center Mixed Use Overlay District (TCMUOD): Incorporates Pepperell’s traditional downtown commercial district along Main Street and Groton Street, the former Pepperell Paper site, and the surrounding neighborhoods
- Density Bonus Requirements: Allowed for publicly accessible open space, parking, additional affordable units, and LEED certification
- Affordable Housing Requirements: 15% of DUs for projects with more than 8 units

Chris Hayes, provided a screen share and presentation on the aspects of a Chapter 40R Smart Growth Overlay District (Ch. 40R) and Ted Brovitz also spoke during segments of this presentation:

- Full Benefits of 40R Districts
- What are the Requirements for 40R
- What Else Can Be Included
- Example Towns: Danvers, Easthampton, Methuen, Norwood, and Reading
- Comparing MUOD and 40R SGOD (provided examples from other cities/towns and also properties in Pepperell)
- Four Scenarios and Comparisons of:
 1. Scenario A: No Overlapping Boundaries
 2. Scenario B: MUOD as “Density Bonus”
 3. Scenario C: 40R SGOD as “Density Bonus”
 4. Scenario D: Choose Your Own Adventure

Mr. Patenaude thanked Mr. Hayes and Mr. Brovitz. He then asked if any of the Planning Board Members had any questions/comments.

Ms. Morrow said she did not have any comments and would like to digest the presentation.

Ms. James asked if the 40R had age restrictions. Mr. Hayes said 40R can be age restricted. Ms. James asked about the proposals depicted with shared yards. Mr. Brovitz said it was called a “cottage court” where the units surround a common space and other common amenities. Ms. James asked if Mr. Brovitz could provide an example. Mr. Brovitz said there is one called Riverwalk in Concord, MA.

Mr. Patenaude said he does like the idea of having this as a “by right”, and with a well written program and path, this could be just as controlling as a special permit and a drive for a developer. He asked if they have an idea of the average acreage on the existing lots along the Main Street corridor, as more information/examples on that might be helpful. He asked if there are any programs to help educate developers regarding the process of 40R. Mr. Hayes said that there is a large variety of lots sizes along the Main Street corridor. Mr. Hayes said that he isn’t aware of any educational material on 40R for developers, but he would happy to research that and get back to Ms. Gingras. Mr. Patenaude asked Mr. Brovitz if he had anything to add. Mr. Brovitz spoke on possibilities along the Main Street corridor and Groton Street as being limited Discussion ensued.

Ms. Ladik thanked Mr. Hayes and Mr. Brovitz for the update and that it nice for the public to hear them.

Mr. Patenaude opened the floor up to questions from the public. None.

Mr. Patenaude thanked Mr. Hayes and Mr. Brovitz for their presentations.

Ms. Gingras spoke on the timeline. The next Planning Board meeting is on June 21st, and by that time they need a decision on which route the Planning Board wants to go on this, so that the Board can have an eligibility hearing and send a draft bylaw to DHCD for preapproval. DHCD has 90 days to review and get back to the Town with any changes. It is critical we keep moving this along and discussing this at every Planning Board meeting and get as much public input and really hammer down what the Board wants to do. We need to keep talking about it until Fall Town Meeting so that everyone is informed as much as possible. Mr. Patenaude asked if it would be beneficial to have Planning Board Members send their thoughts on this to Ms. Gingras before the next meeting so that she could compile them. Ms. Gingras said that would be helpful, and the Board should come prepared with those thoughts on which way they want to go for the next meeting on June 21st. She said that the preliminary eligibility hearing will most likely be on July 19th. Ms. James asked if they could get one good scenario/example of pros or cons of doing MUOD and 40R together or separately. Discussion ensued. Mr. Brovitz said there are a lot of resources on the Planning Department's website. Discussion ensued.

3. 7:05 P.M. Public Hearing: 49-77 Brookline Street (Upswing Farm) – Special Permit – Scenic Road:

In accordance with the provisions of MGL, Ch. 40, Section 15C and Chapter 141 of the Code of the Town of Pepperell, the Pepperell Planning Board will hold a public hearing on Monday, June 6, 2022 at 7:05PM, on an application for a Special Permit to allow removal of the stone wall along greenhouse field between 65 Brookline Street and 45 Brookline Street. The Applicant is Upswing Farm. The subject property is located at 49-77 Brookline Street, Pepperell, MA, as shown on Tax Map 9 as Parcel 179-0, located in the Rural Residence Zoning District.

At 8:12 p.m., Mr. Patenaude opened the public hearing and asked Ms. Morrow to read the Notice of Public Hearing into the record.

The Applicant, Upswing Farm/Kevin Overshiner, was present and provided the Board with an overview of their intentions. He explained that they are fairly new to Town and have been building their farm up over the past year. They have an overgrown stone wall, and would like to neaten up the space and make it more presentable to the Town, in the meantime keeping it affordable to the Applicants. Mr. Overshiner said that his plan was to erase a portion of the stonewall, reclaim some old split rail fencing that is currently on the property and place the reclaimed split rail fencing where the stonewall is located. He said that other stonewalls on the property will not be replaced.

Mr. Patenaude asked Ms. Gingras if there were any comments from other Town Boards/Departments. Ms. Gingras said that the only comment received was from the Tax Collector stating that all taxes had been paid.

Mr. Patenaude asked if any of the Board Members had questions for the applicant.

Ms. Ladik said that removal of the stonewall concerns her as it retains the rural character of the town. As for the split rail fence, has the Applicant considered cleaning out the stone wall and just leaving it there, as opposed to replacing it with the reclaimed split rail fencing? Mr. Overshiner said he absolutely considered cleaning up the stonewall, but the time and cost to do so is prohibitive for them. He said that the split rail fence makes more sense to them, as it would be a border delineation between the street and parking area for people picking up goods. His only other option is to let the stonewall become more overgrown and look worse. He doesn't have the time, energy or money to do the stone wall.

Ms. Morrow said Brookline Street is a scenic road and asked who owns the wall and whether it was a right of way for the Town. She said she did a site visit to the subject property today and the entire expanse before the rock wall is all vegetation. She said that she had spoken with Brittany Overshiner regarding the property. Mr. Overshiner responded to Ms. Morrow's comments, saying that bulldozing and having a pile of rocks is a little misleading as far as what Ms. Overshiner told Ms. Morrow. Discussion ensued between Ms. Morrow and the Applicant on the pile of rocks in front of the driveway. Mr. Overshiner said that they have been very busy on the farm. He said they are trying to make the farm look cleaned up, however their short-term goal is 2-5 years. He is doing what he has time for and he hopes people are sensitive to that.

Ms. James said that she felt the maintenance of greenery around a split rail fence would still be intense. Mr. Overshiner said he could mow and weed wack around it. Mr. Overshiner said it would be much easier to maintain a split rail fence than a stone wall. He said that there are hundreds of feet of split rail fence around the property that he could reclaim and reuse. Ms. James asked how he was going to dispose of the remains of the stone wall. Mr. Overshiner said because of the rules for conservation on this land, they can't take the stones away or resell them. He said that there are piles and piles of rocks all over the farm and he would just take the rocks away from the stone wall and put them in a pile and hopefully in the future they could be used again. He further explained that the stone wall is not in good condition and is falling over. His only intention with this process is to improve the aesthetics of the farm.

Ms. Ladik said that she has 200-feet of split rail fence and it is not easy to maintain. She is really into the historic preservation of a stone wall that has been there for over 200 years and she is struggling with the removal of the stone wall.

Mr. Patenaude said that he has a couple of concerns and has a background in farming. He has two families that are still farming in Dunstable. He said he reached out to Ms. Gingras regarding the location of the stone wall and if it is a property bound. He asked if the Applicant's Deed references this wall and he has question of ownership of the wall if it is true bound between the Applicant's property and the Town right-of way. Mr. Patenaude asked if Ms. Gingras had had a chance to research this with Town Counsel. Ms. Gingras said she had not received response from Town Counsel yet, as he had a couple of Town Meetings over the past few weeks. Mr. Overshiner said he is learning this process as we go. He said he provided a large blueprint from the 1920's-1930's that showed the wall on it with his application for the Special Permit. He said he has yet to find any stones with holes drilled in them. Ms. Gingras put the blueprint up via screen share. Mr. Overshiner said he would need some help with researching this. Mr. Patenaude said that looking at the blueprint on the screen share, it is partially the bound. He believes that final approval may need to go to the Select Board. He understands first-hand how difficult it is too farm, however part of the character of the Town and Farm is the stone wall, and for it to be fully removed and especially the length they are looking at is concerning to him. Mr. Patenaude said he would like to see a copy of the Deed and how the wall is listed. Under MA law you are not allowed to remove any type of monument (drilled hole in stone wall, granite bound, etc.). This wouldn't be allowed even if the Planning Board said it was okay. A survey company would have to reset the monument. Mr. Overshiner said he wasn't suggesting this either. He asked if the stone wall is owned by both the Town and the Applicant, is there a way for him to get some assistance cleaning it up. Mr. Patenaude said that the e farm ownership, prior to the Applicants, hadn't had much maintenance done to it and they have a lot of make up work to get back to anything resembling a nice rural wall appearance. Mr. Overshiner said there is a grant called SARE Grant that may match a certain percentage, but it requires a fair amount of money. He said he would be happy to look into that, however there are other areas of the farm that could use that money more.

Ms. Morrow said she noticed that Tony Beattie and Sherrill Rosoff were on the meeting tonight, and that they are on the Agricultural Commission and may be a good resource for you to look into options that might be available. Mr. Overshiner said his wife is also on the "AG Board." He said he would be happy to hear their opinions.

Mr. Patenaude said that he would like to get an answer back from Town Counsel regarding the Planning Board's ability to make a motion for, or against, this application, as he would not want to step out of the purview of what the Board is allowed to do. This may be something that needs to go before the Select Board. His preference and that of most of the members, is to not lose the wall. He would like the Planning Board's thoughts on continuing this matter until more information is obtained to move this forward in a positive direction for the Applicant and the Town.

Paula Terrasi, 77 Jewett Street, spoke and said she also works for the Department of Public Works (DPW). She has been hearing discussions of possibly hooking up Town sewer running in front of the wall. Mr. Overshiner said they have been looking to hook up to town sewer, under their own expense, and that the line is supposed to be dug between the wall and the street and not expected to affect the placement of the wall. Ms. Terrasi said that plans the DPW has may show ownership of the wall. Ms. Gingras said that she will check with the DPW regarding the plan.

Mr. Patenaude asked how the Board Members felt regarding a motion to continue until more research has been done. Board Members indicated that they were fine with that. Mr. Patenaude asked for a motion to continue this discussion until the Planning Board has found out what Town Counsel has to say about joint ownership of the stone wall on the Scenic Road Permit for 49-77 Brookline Street. So moved by Ms. Ladik, seconded by Ms. Morrow. All in favor. None opposed. Public Hearing will be continued to June 21, 2022 at 7:05p.m.

Mr. Overshiner said he is also concerned with the rural character of the Town and does not have any intent on erasing any of the other stone walls.

4. Consent Agenda: (taken out of order)

Mr. Patenaude asked for a motion to accept the Consent Agenda. So moved by Ms. Morrow, seconded by Mr. Patenaude. All in favor. None opposed

- a. Acceptance of Minutes from May 16, 2022

5. Reports/Correspondence/Discussion:

(Matters may arise that the Chair did not reasonably anticipate)

a. Staff Updates:

- Ms. Gingras said that the Town received a grant for \$200,000 for the MA DOT Shared Streets and Spaces Program and provided an overview of the benefits of the grant and the timeline of the construction. She added that the draft layout of the project can be viewed on the Town website, on the Planning Department's webpage.
- Ms. Morrow mentioned that EDAC discussed two projects, Wayfinding and Adopt an Island. EDAC had reached out to Town Boards and Departments, to see if there was any interest and they have put together a presentation from all of the comments received. This presentation on Adopt an Island will be given at the Select Board meeting on June 13, 2022.
- Discussions ensued on GIS and updating technology for the Planning Board/Planning Department.

6. Future Meetings:

- a. June 21, 2022 (Tuesday)
- b. July 5, 2022 (Tuesday)
- c. July 18, 2022

7. Adjournment:

Mr. Patenaude asked for a motion to adjourn the meeting. So moved by Ms. Ladik, seconded by Ms. Morrow. All in favor. Meeting adjourned at 9:12p.m.

Planning Board Meeting Minutes of June 6, 2022 respectfully submitted by Cheryl Lutcza