



Planning Board

Meeting Minutes of June 21, 2022

Board Members:

Present: Casey Campetti, Al Patenaude, Joyce Morrow, David Ganong, Joyce Morrow, Joan Ladik, Tiffany James

Not Present:

Staff: Jenny Gingras (Town Planner), Cheryl Lutzca

Attendees: Pepperell Community Media, Jeff Chabot, Jack Visniewski, Kevin Overshiner, Sue Edwards, Ken Hartlage, Ted Brovitz, Chris Hayes (NMCOG).

1. Call To Order:

7:00P.M. The remote public meeting (recorded for future broadcast by Pepperell Community Media) was called to order by Mx. Campetti at 7:02p.m.

2. Consent Agenda:

- a. Acceptance of Minutes from June 6, 2022: Mx. Campetti asked for a motion to accept the minutes of June 6, 2022. Mr. Ganong motioned to accept the meeting minutes of June 6, 2022, as written, seconded by Mr. Patenaude. All in favor. None opposed or abstained.

3. Plan Endorsement:

- a. ANR – 96 Park Street (Homes by Jeff and Sons, Inc.)

Applicant, Jeff Chabot was present, as well as Jack Visniewski. Mx. Campetti invited Jack Visniewski to make a presentation. Mr. Visniewski provided an overview, via screen share, of the proposed ANR Plan for the subject property, which is located near the corner of Park Street and Brookline Street, stating that the subject property is just over six acres. He said that the Applicant had recently gone before the ZBA to request variances to create three lots, however the ZBA denied the requested relief.

Mx. Campetti asked Ms. Gingras if she had anything to add. Ms. Gingras said she did not have any additional comments beyond what she had written in the staff report, and that the Plan does meet the requirements of an ANR.

Ms. Morrow asked if there were any easements pertaining to this division of land. Mr. Visniewski said there were not any easements.

Mx. Campetti asked if the Board Members had any questions. None.

Mx. Campetti asked if there was a motion to endorse the ANR for 96 Park Street as presented. So moved by Ms. Morrow, seconded by Mr. Ganong. All in favor. None opposed. Mx. Campetti said that the ANR is endorsed.

7:05 PM Public Continuation Hearing: 49-77 Brookline Street/Upswing Farm Special Permit-Scenic Road:

Mx. Campetti opened the remote public continuation hearing at 7:10p.m. She stated that she did watch the June 6, 2022 meeting in its entirety, so she will be able to participate in the continuation hearing tonight.

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.

Ms. Gingras said that the Applicant had reached out to his surveyor and they were also able to locate records showing at least a portion of the stone wall, and that the left side of the wall looked like it was on the Applicant's property. She said that Town Counsel provided comments, which just came in today.

Ms. Gingras read the comments from the Applicant's surveyor, Michael Ploof (Fieldstone Land Consultants, LLC), into the record, which advised that the Applicant leave the stone wall in place as it is considered a boundary monument.

Ms. Gingras read comments from Town Counsel, David Doneski, into the record. .

Mx. Campetti invited the Applicants to speak. Applicant, Kevin Overshiner, addressed the Board and said they couldn't find anything concrete about boundaries in their deed, etc., and they were not able to find any good additional information. Their engineer had confirmed the bound is part of the wall. He said that there were some suggestions that had been brought up that he would like to share regarding the original suggestion to erase the stone wall and add split-rail fencing. He said that he had sent a couple of photos to Ms. Gingras that displays both the section of the stone wall and the split rail fencing. He said that he has yet to find any bound markers (holes in stones). Ms. Gingras shared her screen and put up the photos Mr. Overshiner referred to. Mr. Overshiner provided an overview of the photo of the 50-year old split rail fence and said that he could construct this same split rail fence if they are able to erase the stone wall. He then provided an overview of the section of the stone wall, which is covered in overgrowth.

Mx. Campetti asked if the Board had questions.

Mr. Ganong said that he had driven down Brookline Street and viewed the site, and he feels that the Board is putting an undue burden on the Applicant if we tell them they can't do something here.

Ms. Morrow said that organic farming is huge on their list and they don't require any type of pesticides. She asked about utilizing goats. Mr. Overshiner said he knows about goats clearing brush and he is fine with that, but it is usually done by a "land clearing by goats" business as a specialty. He said that he would be open to that if it is someone who is experienced.

Mr. Patenaude said that where the Board doesn't have a definitive as to whether this is part of a boundary wall or not, the cleaning up of this to allow site view to his business and make the wall better is a good idea. He would like to see the wall stay, or replaced once it's repaired. He described a rubble wall. He asked if the Applicant, who would be having a survey company for a sewer project he is already doing, be willing to utilize them to mark the wall so it can be cleaned up and then repiled back in the same location. Mr. Patenaude said that the survey company may be able to find some of the drilled holes as well. Mr. Overshiner said he would be willing to discuss this with the survey company to see if they can help them out with this.

Mx. Campetti asked if there was any future uses they were looking at. Mr. Overshiner said that they were not and that this is purely aesthetic to improve the look of the farm and keep it nice. He said he doesn't mind having a rubble stone wall.

Ms. Ladik asked if the split rail fencing could be lined on his side of the stone wall to delineate his property. Mr. Overshiner said if they are going to go through the process of cleaning up the stone wall and putting it back, he wouldn't want to do the split rail fence.

Mx. Campetti asked if there were any public comments.

Several residents spoke in support of allowing the Applicant to take the stone wall down to remove the vegetation, some of which could possibly be invasive, and then put the stone wall back in place, preserving the rural and historic character of the stone wall.

Joan Ladik asked what the timeframe would be for taking apart the stone wall, to clean it out, and then put it back together. Mr. Overshiner said he is unsure of the timeline. This is his busy season, and it would depend on when someone who has the appropriate machine to do the work is available. He said he didn't think that it would take the right person very long, but he could be wrong.

Mx. Campetti asked if the Board had any more questions.

Mr. Patenaude said that based on the rough length of the stone it is important that the Board does not put a short timeframe on when the Applicant can get this done. He suggested allowing a good three to five month timeframe, as there is a lot of work to be done there.

Mr. Overshiner said that there is a lot of poison ivy in there that would require suiting up for removal, as well as stumps and trees involved. He said that he appreciated Mr. Patenaude's suggestion to give it a little more time, as they are in the full swing of things at the moment with the Farm.

The Board moved into discussion.

Mx. Campetti asked how we balance the matter without creating an undue burden.

Ms. Morrow said she is a bit perplexed by comments made by the Applicant and public attendees. The entire length of Brookline Street has a lot of overgrown areas, and in other areas of Town as well. If we were to bulldoze all areas of overgrowth, it would not look nice. She said that she has a problem with removing something that has been in existence for a very long time. This is something that has to be done with thoughtfulness, and she is not in favor of the Applicant's proposal.

Ms. Ladik said that she agreed with Ms. Morrow, and while the brush-laden stonewall isn't gorgeous, she is worried what it is going to look like when it is cleaned, and it could take more than a few months to restore it.

Mr. Ganong, said he disagreed with Ms. Morrow and Ms. Ladik. The first few years on a farm take a long time to get established. If you go to Google Maps and look at this, there are poison ivy, vines, and brush on the stone wall. There is also an existing fence in front of the house and clear fields on both sides. He feels that there is an undue burden being placed on the Applicants to tell them they can't clean up the stone wall and put it back in place. If the Applicants are interested in improving their property, by improving some brush, we shouldn't limit them from doing so and they said that they would put the stone wall back in place after the cleaning.

Mr. Patenaude said that the right to clear the brush is the right of the landowner. The wall is historic, not the brush. Fifteen years ago there was no brush on this wall or any fences on both sides of the road of this property. With a little bit of survey work, he is in favor of seeing it cleaned up, if the Applicants are willing to do so. He spoke on the legislation in Massachusetts regarding stonewalls. The Applicants want to improve their properties appearance by cleaning up the stone wall, and I am okay with the Applicants segmentally clearing out and putting stone wall back in place.

Mx. Campetti said that apart from the broader issues of this being a boundary marker, or not, one of the first things she thought was regarding the Scenic Rode Section of the Code. She said that she works professionally in historic preservation and scope and context are really important. She is struggling and believes there are other ways to deal with this. She is not sure if she is comfortable with a removal and rebuild situation (i.e., rubble wall) and that requirement could be more burdensome. Being good stewards of the landscapes is important. She referenced the Code and what the Board is supposed to take into account, and if she thinks about those things, she would lean on leaving this alone/as is, especially if there isn't a clear connection of this affecting the operation of this property.

Mr. Ganong provided a screenshare and overview of the road along the property where the overgrown stone wall is located, and said this is a small area. He said that the Applicants are trying to give better visibility so people know that the Farm is there. Discussion ensued. Mr. Ganong said that he still believes the Board is placing an undue burden on the Applicants, especially for a farm that is trying to get off the ground. Discussion ensued.

Ms. Morrow said there are stone walls in areas that couldn't even be imagined. Discussion ensued with Mr. Ganong.

Mr. Patenaude said that some survey work needs to be done. The landowners have the right to clear their land, clear the brush, and remove and replace the wall that is on their property side. Whether the Planning Board votes to approve, or not, this is a rubble wall and the landowners can do what they want to clean up the wall on their side of the property. Knowing the location of the wall, in relation to true property line, is a key element here and how the Planning Board goes with this. Mx. Campetti asked Mr. Patenaude how what he spoke on affects what the Planning Board can do in this matter. Mr. Patenaude said that if any of that wall is on the landowner's side of the property, they have the right to manage and maintain it. Discussion ensued regarding stone walls and farm walls, and it is key for the landowner to know what he owns and also define for the Planning Board what they have control over as far as a decision in this matter. The location of the wall and how it sets on the bound dictates on what we can decide on here. Discussion ensued regarding different scenarios that could play out based on that.

Mx. Campetti asked if Board has the information needed to make a decision. She asked for a motion to close the public hearing. So moved by Mr. Ganong, seconded by Ms. Morrow. Mx. Campetti asked for a roll call vote.

Roll Call Vote taken as follows:

Mr. Ganong:	Aye
Ms. Morrow:	Aye
Mr. Patenaude:	Aye
Ms. Ladik:	Aye
Mx. Campetti:	Aye

Mx. Campetti said that the public hearing is closed.

Mx. Campetti asked for a motion. Mr. Patenaude made an amended motion to approve the application with the contingency that 100 feet of the wall be able to be removed or reset prior to any additional wall being removed and reset, which would allow the Board to see the process and quality of work. Seconded by Ms. Morrow. Discussion ensued.

Mx. Campetti asked for a motion and roll call vote

Mr. Ganong:	Aye
Ms. Morrow:	No
Ms. Ladik:	No
Mr. Patenaude:	Aye
Mx. Campetti:	No

Mx. Campetti asked for a motion. Ms. Morrow motioned to grant the requested relief 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, seconded by Ms. Ladik. Mx. Campetti asked for a roll call vote to be taken.

Roll Call vote taken as follows on original request:

Mr. Ganong: Aye
Ms. Morrow: No
Ms. Ladik: No
Mr. Patenaude: Aye
Mx. Campetti: No

Mx. Campetti said there won't be approval for stonewall removal by the Planning Board.

Action Items:

a. MPIT Budget Request from Climate Change Council:

Mx. Campetti said that the Climate Change Council (CCC) has a proposal for an intern to put together a website for a few different committees. She asked if someone from CCC wanted to speak on this.

Ken Hartlage addressed the Board and gave a presentation, via screen share, of the Climate Change Committee Funding Request to have an intern come in and work with them to help them build up/enhance the website they already have and also implement a community engagement campaign.

Sue Edward provided an overview of what the intern could do for the CCC.

Mx. Campetti asked if the Board Members had any questions.

Ms. Morrow asked why the CCC can't apply for a grant to pay for the help they are requesting. Mr. Hartlage said they could apply for a grant, however they run in cycles, and he was advised by Ms. Gingras that there were Master Plan monies available for this fiscal year.

Mx. Campetti said she was wondering if there are considerations as to how an intern would be managed or supervised and if there were any liability issues. Mr. Hartlage said that the term "intern" is one they had thought of, but it could be a consultant. He said he has discussed this with the Town Administrator. The "intern/consultant" would be directly supervised by the CCC.

Ms. Ladik asked how many weeks they would need someone for. Mr. Hartlage said 12 weeks.

Mr. Patenaude said that he is in support of the idea.

Ms. Ladik asked about the website platform the CCC is using. Mr. Hartlage provided a description.

Ms. Morrow said funds available for MPIT recommendations really should work for beautification of the downtown. We really need to provide the downtown area for residents and businesses that the Town is focused on. There are so many unfilled areas where MPIT funds can be focused on now.

Mx. Campetti asked if he was aware that Martin Cadek, IT Director, had expressed concern about having official Town business on another website. Mr. Cadek suggested there be some mechanism for town administration to access the site. Mr. Hartlage said there would be no issue with granting administrative access to the website to Mr. Cadek or another member of the Town. In respect to the group that is managing the website, they have absolutely no say on the content that goes in it, they just provide the tools that we need. Mx., Campetti said that what Mr. Hartlage has started doing makes a lot of sense. Mx. Campetti said she disagreed with Ms. Morrow, and said that these are equally important aspects of the Master Plan. We are trying to be deliberate in what we do and I support this request.

Ms. James asked how the CCC got to the budget request amount of \$17.00 per hour. Ms. Edwards said they did some research on what college interns are making per hour doing a position like this. Discussion ensued. Ms. James asked if there was a job description. Mr. Hartlage said there was.

Mx. Campetti asked if the Board Members had any further questions.

Mx. Campetti asked for a motion. Mr. Patenaude made a motion to approve the request by the Climate Change Council. Seconded by Mr. Ganong. Ms. Morrow opposed. . Mx. Campetti said there were four “Ayes” (Mr. Ganong, Mr. Patenaude, Mx. Campetti and Ms. Ladik) and one “No” (Ms. Morrow). The request is approved.

Mx. Campetti asked how the Board would like to proceed with the remainder of the items on the Agenda. Ms. Morrow asked when the next meeting would be (July 5th). Ms. Morrow and Ms. Ladik said that they would not be available for a meeting on July 5th. Mx. Campetti, Mr. Patenaude, Mr. Ganong and Ms. James all said that they would be available for a meeting on July 5th.

Mx. Campetti asked for a motion to continue the remainder of the Items on the Agenda to a future meeting. So moved by Mr. Ganong, seconded by Mr. Patenaude. All in favor.

- b. Planning Board Reorganization (Selection of Chair and Clerk): (tabled to future meeting)
- c. Selection of Planning Board Representative to NMCOG: (tabled to future meeting)

4. Reports/Correspondence/Discussion: (*Matters may arise that the Chair did not reasonably anticipate*)

- a. Discussion on 40-R, Smart Growth Overlay District and Mixed-Use Overlay District:

Mx. Campetti asked Ms. Gingras about timing relative to dealing with discussion on the 40R, etc. Ms. Gingras said she is worried about the timeline, which is important as the two consultants still need to draft something for the preliminary eligibility hearing that should be held in July (18th). It has to be advertised in newspaper and posted to website. Ms. Gingras said that if possible, a short discussion on it tonight, would be appreciated, however she understands that it is getting late this evening. This request is just asking for a high level “where are we going with this and which option are we going with this”. Mx.Campetti asked if the Board Members would the Board be willing to have a meeting specifically to talk about this next week. All Board Members said that would work for them. Mx. Campetti said that the meeting would be on Monday June 27th. Ms. Gingras said

that both consultants are on the meeting tonight and she would need to make sure they would be available on June 27th. Mr. Brovitz said that he is not available on June 27th, but would be available the rest of next week. Mr. Hayes said that he is available all week if the meeting is at 7:00p.m. Mr. Ganong said that he would be on vacation next week. Mr. Patenaude and Ms. Morrow said they could be available on Tuesday, June 28th. Discussion ensued on posting agenda, advertising of the legal notice, and sending out abutter notices to those who would be affected by the 40R.

Mx. Campetti asked if the preliminary eligibility hearing could be held on a date other than July 18th. Ms. Gingras said paperwork needs to be sent to DHCD by the end of July, and she and Chris Hayes would need time to complete that by the end of July.

- b. Babin Landscaping Site Plan Discussion (tabled to future meeting)
- c. Staff Updates (tabled to future meeting)

5. Future Meetings:

- a. June 24th (Site Visit to Heritage Estates/Minigel Circle @ 9:00a.m.)
- b. June 28, 2022 (Tuesday)
- c. July 5, 2022 (Tuesday)
- d. July 18, 2022

6. Adjournment:

Mx. Campetti asked for a motion to adjourn the meeting. So moved by Mr. Patenaude, seconded by Ms. Morrow. All in favor. None opposed. Meeting adjourned at 9:34p.m.

Planning Board Meeting Minutes of June 21, 2022, respectfully submitted by Cheryl Lutcza