



Town of Pepperell
BOARD OF APPEALS
One Main Street
Pepperell, Massachusetts 01463
(978) 433-0333
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Zoning Board of Appeals Meeting Minutes of July 31, 2019*

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

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

7:03P.M. Chairman, Mark Walsh, opened the meeting and introduced the Board Members and Staff. He further explained that the Board would be conducting an Executive Session, which is closed to the public, as well as two public hearings this evening. There was one member of the public present, who exited the room.

Chairman asked for motion to enter Executive Session. Annette McLean motioned that the Zoning Board of Appeals enter into an Executive Session as authorized by Massachusetts General Laws, Chapter 30A, Section 21(a)(3) to discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining position of the public body and the chair so declares.

Sean McCaffery seconds. The Chairman also declared that an open session would have a detrimental effect on the litigating position of the public body.

Board conducted a roll call vote, to enter into Executive Session, as follows:

Mark Walsh: Aye
Annette McLean: Aye
Sean McCaffery: Aye

The Chairman asked for a motion to approve, and not release, the ZBA Executive Session Meeting Minutes of January 16, 2019. Mr. McCaffery made a motion to approve, and not release said minutes, as amended. Ms. McLean seconds the motion. All concurred.

Board conducted a roll call vote, to leave Executive Session and reconvene back into Open/Regular Session as follows:

Mark Walsh: Aye
Annette McLean: Aye
Sean McCaffery: Aye

7:10P.M. Board reconvenes back into Open/Regular Session. Present: Mark Walsh, Annette McLean, Sean McCaffery and Alan Leao. Also Present: Cheryl Lutcza (ZBA Assistant).

Action Items:

1. Review and/or Approve ZBA Open Session Meeting Minutes of January 16, 2019:

The Chairman asked for a motion to approve the amended draft ZBA meeting minutes of January 16, 2019 (open/regular session). Ms. McLean made a motion to approve said minutes, as amended. S. McCaffery seconds the motion. All concurred.

2. Review and/or Approve ZBA Meeting Minutes of February 27, 2019:

The Chairman asked for a motion to approve the amended draft ZBA meeting minutes of February 27, 2019. Ms. McLean made a motion to approve said minutes, as amended. Mr. McCaffery seconds the motion. All concurred.

3. Review and/or Approve ZBA Meeting Minutes of March 13, 2019:

The Chairman asked for a motion to approve the amended draft ZBA meeting minutes of March 13, 2019. Ms. McLean made a motion to approve said minutes, as amended. Mr. McCaffery seconds the motion. All concurred.

4. Review and/or Approve ZBA Meeting Minutes of April 10, 2019:

Acting Chairman, Mr. McCaffery, asked for a motion to approve the draft ZBA meeting minutes of April 10, 2019. Ms. McLean made a motion to approve said minutes. Mr. Leao seconds the motion. All concurred.

5. **Review and and/or update of ZBA Application and Application Information Packet and Pre-Submission Review Process/Procedure of applications to the Board, and/or any other updates the ZBA deems appropriate:**

Discussion ensued among ZBA Members and the ZBA Assistant relative to the pre-submission review process for applications to the Board. The Board said it would leave it up to the ZBA Assistant's discretion, on a case by case basis, as to whether a pre-submission review should also be performed by Town Counsel.

Chairman provided an overview of the meeting and hearing procedures to those in attendance and announced that the Board would be opening the first public hearing.

7:25PM – Public Hearing: 64 Lowell Road (Mariano) – Special Permit (ZBA-2019-02):

An application has been submitted by Anthony R. and Patricia M. Mariano, requesting a Zoning Board of Appeals **SPECIAL PERMIT**, under Sections 9300, 9220, 9221 and 3400-3440 of the Town of Pepperell Zoning By-Law, which if granted, would allow an accessory apartment. Subject property is located at 64 Lowell Road, Pepperell, MA, as shown on Assessor's Map 29 as Parcel 129-0. A public hearing will be held on this matter at the Pepperell Town Hall, Conference Room A, on Wednesday, July 31, 2019 at 7:15P.M. The application is available for review at the Town Clerk's office at 1 Main Street. Parties wishing to speak in favor of, or in opposition, to the proposal may do so in writing prior to the hearing or at the hearing in person or represented by an agent or attorney. Interested parties are encouraged to attend.

Applicant, Anthony R. Mariano was not present. Applicant, Patricia M. Mariano, was present, and addressed the Board regarding the relief being requested. Members of the public were present in the audience. There were no abutters present.

The Applicant submitted certified check payments for the following fees associated with the ZBA Application:

- Postage Fee of \$35.40 (payable to the Town of Pepperell)
- Legal Advertising Fee of \$195.98 (payable to the Nashoba Valley Voice)

The Clerk read the Notice of Public Hearing into the record.

Chairman invited the Applicant to address the Board regarding the relief being requested.

Applicant, Patricia Mariano, addressed the Board as follows:

- Stated that a solid wall would separate the existing home and the area for the accessory apartment. At this point they need to add the permanent wall, kitchen sink and stove. They would not be changing the footprint of the existing structure. Applicant further stated that family will be moving in.

Chairman asked if the Board Members had any questions. Ms. McLean asked about the accessory apartment. The Applicant stated that she and her husband would be living in the small part (the apartment).

Applicant presented/submitted two new Exhibits into the record: 1) A signed (by Applicant Anthony Mariano) floor plan of the proposed 791 square foot accessory apartment (this floor plan is the same as the unsigned plan submitted with the application); and, 2) A plot plan showing the location of the municipal water and sewer lines on the subject property.

The Board reviewed the sections of the Town of Pepperell Zoning By-law pertaining to accessory apartments to ensure that the Applicant's request complied with all requirements.

Chairman asked if anyone in the audience had any questions. No one responded.

Chairman read responses submitted by other Town Boards/Departments and/or concerned parties into the record.

Chairman asked for a motion to close the public portion of the hearing. Ms. McLean motioned to close the public comment portion of the hearing. Mr. McCaffery seconds. All concur.

Board entered into discussion and deliberation.

Chairman asked for a motion with respect to the relief requested. Mr. McCaffery motioned to grant the requested relief, a Special Permit, under Sections 9300, 9220, 9221 and 3400-3440 of the Town of Pepperell Zoning By-Law, to allow an accessory apartment at the subject property located at 64 Lowell Road, Pepperell, MA, as shown on Assessor's Map 29 as Parcel 129-0. Ms. McLean seconds the motion. All concur.

Roll Call Vote conducted as follows:

Mark Walsh: Aye
Annette McLean: Aye
Sean McCaffery: Aye

7:37PM – Public Hearing: 109 Lowell Road (Price) – Special Permit (ZBA-2019-03):

An application has been submitted by Keith Price, requesting a Zoning Board of Appeals **SPECIAL PERMIT**, under Sections 9300, 9220, 9221 and 3400-3440 of the Town of Pepperell Zoning By-Law, which if granted, would allow an accessory apartment. Subject property is located at 109 Lowell Road, Pepperell, MA, as shown on Assessor's Map 31 as Parcel 30-K. A public hearing will be held on this matter at the Pepperell Town Hall, Conference Room A, on Wednesday, July 31, 2019 at 7:30P.M. The application is available for review at the Town Clerk's office at 1 Main Street. Parties wishing to speak in favor of, or in opposition, to the proposal may do so in writing prior to the hearing or at the hearing in person or represented by an agent or attorney. Interested parties are encouraged to attend.

Applicant, Keith Price, was present. There were no abutters or members of the public present.

The Applicant submitted certified check payments for the following fees associated with the ZBA Application:

- Postage Fee of \$40.40 (payable to the Town of Pepperell)
- Legal Advertising Fee of \$191.20 (payable to the Nashoba Valley Voice)

Chairman invited the Applicant to address the Board regarding the relief being requested.

Applicant, Keith Price, addressed the Board as follows:

- The accessory apartment will be located in the basement of the existing structure and a door will be added. The Applicant stated that his parents will be residing in the accessory apartment. There will be no changes to the existing structure.
- Applicant presented/submitted a new Exhibit into the record: A plot plan showing the location of the municipal water and sewer lines on the subject property.

Mr. McCaffery read the Notice of Public Hearing into the record.

The Board reviewed the sections of the Town of Pepperell Zoning By-law pertaining to accessory apartments to ensure that the Applicant's request complied with all requirements.

Chairman asked if the Board Members had any questions. None.

Chairman asked for a motion to close the public portion of the hearing. Ms. McLean motioned to close the public comment portion of the hearing. Mr. McCaffery seconds. All concur.

Chairman read responses submitted by other Town Boards/Departments and/or concerned parties into the record.

Board entered into discussion and deliberation.

Chairman asked for a motion with respect to the relief requested. Mr. McCaffery motioned to grant the requested relief, a Special Permit, under Sections 9300, 9220, 9221 and 3400-3440 of the Town of Pepperell Zoning By-Law, to allow an accessory apartment at the subject property located at 109 Lowell Road, Pepperell, MA, as shown on as shown on Assessor's Map 31 as Parcel 30-K. Ms. McLean seconds the motion. All concur.

Roll Call Vote conducted as follows:

Mark Walsh: Aye
Annette McLean: Aye
Sean McCaffery: Aye

Adjournment:

The Chairman asked for a motion to adjourn the meeting. Mr. McCaffery motioned to adjourn the meeting. Ms. McLean seconds the motion. All concur. Meeting adjourned at 8:01P.M.

ZBA Minutes of **July 31, 2019** were filed with Town Clerk on: November 4, 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-2019-02 – 64 Lowell Road (Mariano))
ZBA Application File: (ZBA-2019-03 – 109 Lowell Road (Price))
ZBA Executive Session File (Confidential – Not for Public Release)
ZBA Minutes file (original)