



Planning Board

Meeting Minutes of September 19, 2022

Board Members:

Present: Al Patenaude (Chair), David Ganong (Clerk), Casey Campetti, Joyce Morrow, Joan Ladik and Tiffany James

Staff: Jenny Gingras (Town Planner), Cheryl Lutcza (Planning Assistant)

Attendees: Pepperell Community Media, various members of the public and town staff/officials.

1. Call To Order:

6:00P.M. The remote/hybrid public meeting (recorded for future broadcast by Pepperell Community Media) was called to order by Mr. Patenaude, Chair. A roll call vote was taken of the Board Members that were present. Chair explained meeting protocols.

2. Consent Agenda: (No Action Taken)

a. Acceptance of Meeting Minutes from the following dates:

- August 15, 2022

3. 6:05 p.m. Public Continuation Hearing – Major Site Plan Review – 81 Main Street (Parcel ID 23-172-0):

Chair opened the continuation hearing at 6:05p.m.

The Clerk read the following into the record:

Major Site Plan Review for the razing of an existing single-family dwelling, to be replaced with an 1,856 square foot building to be used as a pizza restaurant with more than 6 parking spaces. Applicant is Marcio and Marli Machado; owner is Pizza Pizzazz, Inc.

Mr. Patenaude invited the applicant's engineer, Jim Basile of Goldsmith, Prest and Ringwall, Ayer, MA, to address the Board.

Mr. Basile provided a screen share of the plan related to the site/proposed project and gave an overview of some changes that have been made. He said they were before the Conservation Commission and are moving forward with the project. There is no window proposed on the easterly side of the building, so there should not be any light pollution going over the proposed stockade fence, however there will be some lighting for people accessing the sidewalks at night.

Mr. Ganong read an email from the McParland Family (abutters at 83 Main Street) dated September 19, 2022, into the record, which expressed some concerns and recommendations they have with the proposed project.

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

Ms. Ladik asked if there would be bollards on the eastern side of the building. Mr. Basile said that they do not have any proposed on the eastern side of the property. Ms. Ladik said the Fire Department had requested bollards in the front of the building. Ms. Morrow said that she believed that was a conversation that was had during the Site Visit. Ms. Ladik said that the Fire Department mentioned they would be part of the vestibule.

Ms. Morrow said she would like Mr. Basile to address the questions raised in the McPartlan Family's email.

Ms. James asked what the hours of operation were. Mr. Patenaude said that hasn't been covered yet. Ms. James asked about lighting.

Mx. Campetti said she did not have any questions. She stated for the record that she had reviewed the recording and draft minutes from the last Board meeting held on August 15, 2022.

Mr. Patenaude asked Mr. Basile about the proposed number of parking spaces in relation to what our zoning regulations require and also snow storage.

Mr. Basile addressed the Board regarding the following:

- The restaurant will mainly be focused on takeout. They will have four to five tables with four seats each for indoor dining, which requires five parking spaces. The restaurant will have a total of 11 parking spaces provided. Mr. Patenaude said you are doubling what is required by our regulations and Mr. Basile confirmed that they were.

Mr. Patenaude asked Mr. Basile to address some of the other questions that were brought forth by the abutters (McPartland).

- Mr. Basile said that the proposed parking is sufficient and the restaurant is mainly focused on take out and with more than double the required parking spaces. He said that will allow for plenty of room for parking for both dine-in and take-out customers, and he does not believe there will be an overflow with parking

- Mr. Basile said that the scrubbing system for the outdoor ventilation and the kitchen will be on the westerly side of the building, so the ventilation will be going towards the parking plaza, not the abutter. He further added that where they are still in the design stage for the system they haven't spec'd out a filter system, but that could be a Condition.
- As for snow storage on the property, based on the proposed parking, we have been able to designate a couple of parking spots for snow storage overflow. If there is an excessive snow storage situation, the owners would be bring in a professional snow removal company.
- For dumpster delivery/removal, the owners currently have a provider that they are using at their present restaurant site, however if the current provider couldn't work within the hours that are stipulated, they will go with a new provider, if necessary.
- In regards to the planting of 8-10 foot arborvitaes around the fence, the fence can be put in immediately during construction and will reduce sound concerns. From a landscape perspective the arborvitaes can't be planted at 8-10 feet, however the owners can perhaps put in some type of plantings, but he said he wasn't sure that it warrants a Condition that arborvitaes be planted along the fence.
- The outdoor grease collection is a small box that could potentially fit in the dumpster pad area; if not, it can be screened off elsewhere. The manager monitors it on a weekly basis and it is emptied on a weekly basis when it is three-quarters full.
- The blowing and sweeping of sand is something they would be willing to work with to satisfy the abutters and town.

Mr. Patenaude asked if the Board Members had questions.

Ms. James asked about kitchen exhaust. Mr. Basile said that the kitchen would be located on the westerly side of the building and the exhaust would be going towards the plaza parking area. He said that if the Board prefers a certain type of filter, and the specifications are provided to the architect, they can include that in the design.

Mr. Patenaude asked if there were any public comments.

Renee D'Argento, 18 Prospect Street, asked if there would be flood/security lights; and if so, will they be below the horizontal and shielded with motion sensors and timers. Mr. Basile said that to the best of his understanding they don't have any of those, they just have the ones over the vestibule/entrance to the building.

Mr. Patenaude asked if the Board Members had any further questions.

Mr. Patenaude asked for a motion to close the public hearing. So moved by Ms. Morrow, seconded by Ms. Ladik. All in favor.

The Board entered into discussion.

Ms. James asked if we go to approval can they still modify the site. Ms. Gingras said if the Planning Board approved this Major Site Plan, it would still need to go through other Town Boards and Departments. Mr. Patenaude said our approval would have specific requirements tied to it.

Mr. Patenaude asked if the Board would like to add any Conditions if we move this forward. Ms. Gingras provided a screen share of recommended Conditions. Discussion ensued regarding potential Conditions.

A lengthy discussion ensued regarding appropriate hours of operation.

Mr. Patenaude said that he would like to add in a Condition that the applicant work with the Highway Department to add “no parking” signs along the southerly side of the street, adjacent to the property. Discussion ensued.

Mr. Patenaude asked for a motion to approve the Major Site Plan Review for 81 Main Street.as conditioned. So moved by Mx. Campetti, seconded by Ms. Ladik. All in favor.

Mr. Patenaude thanked Mr. Basile for his time.

4. Robinson Hollow Bond Determination:

Mr. Patenaude said that some of the Board Members recently visited the Robinson Hollow site to walk the property.

George Gallagher, Robinson Hollow, LLC, was present and said that he is the developer of Robinson Hollow, 110 South Road, and that they are looking to put a bond in place to in order to get some of the lots that are under agreement released.

Ms. Gingras provided a screen share of the proposed performance bond, which she explained will be done through a bond company. She said that the the Town Engineer is in agreement with the bond amount of \$308,711.90. Discussion ensued regarding setting a date for a re-review in two years. All Board Members agreed to set a re-review date for October 1, 2024. All Board Members were satisfied with the bond amount that was agreed upon between the applicant and the Town Engineer.

Mr. Patenaude asked for a motion to accept the performance bond agreement as written. So moved by Ms. Ladik. Seconded by Mr. Ganong.

Roll Call Vote taken as follows:

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

5. Affordable Housing MPIT Fund Request:

Ms. Gingras provided a screen share of the request.

Brian Keating, Chair of the Affordable Housing Committee (AHC), was present and addressed the Board regarding the request, which would be used to put together a marketing campaign regarding the 40R proposal in advance of the Town Meeting Warrant article. The AHC voted in the affirmative to request \$4,066.00 for this, recognizing the 40R effort.

Consultant, Nicole Murphy of NMDesignz, addressed the Board and said that the services she would be providing would be an informational video and publishing of the video to available social media markets.

Mr. Patenaude asked if the Board Members had any questions.

Mx. Campetti asked if payment for services would be for the production of the products and who would be responsible for vetting and controlling the actual content that would be presented, would it be the AHC? Ms. Gingras said it would be between herself, Mr. Keating and the AHC for review. Ms. Murphy said she could draw up a formal contract and in her terms of agreement it does state that there are up to three managers that would give approval. Mr. Patenaude said it would be Ms. Gingras and Mr. Keating, and final approval would be with the AHC. Mx. Campetti asked what the timeline is for the products to be finished leading up to Town Meeting. Ms. Murphy said they could set up dates, not rush, but get it done as soon as possible. The timeline could be affected if different people are speaking in the video, and could range from two to four weeks, based on the availability of the people to be in the video. Mr. Patenaude said hopefully we could tighten it up to two to three weeks, to be most effective. Discussion ensued regarding the timeline, given that Town Meeting is coming up in less than two months. Mr. Patenaude asked if Ms. Gingras and Ms. Murphy could get something together within two weeks to go to the AHC for review. Mr. Keating said he could make himself available to accommodate a two-week schedule. Ms. Gingras said she could also make herself available and dedicated to this educational video, as it is extremely important. She said that in speaking with Ms. Murphy and a couple of other consultants, Ms. Murphy seems to be best suited due to her knowledge of Pepperell. Pepperell Community Media and the new Director of NMCOG are also willing to help out. Ms. Murphy said that she has no problem with coming up with a deadline/schedule. Discussion ensued among Board Members and Ms. Gingras. Mx. Campetti said she would like to see a hard deadline established. Mr. Patenaude agreed. Ms. Gingras said two weeks from tonight would be October 3, 2022. Discussion ensued.

Mr. Patenaude asked for a motion for the budget as outlined with a contract of a two-week deadline of October 3, 2022, for it to be presented to AHC with any minor adjustments to be made within a week.

Ms. Morrow asked Ms. Murphy if that timeframe was feasible and Ms. Murphy said it was.

Ms. Ladik asked where the video will be posted. Ms. Gingras said it will be on the Town website, Pepperell Community Media, as well as social media. She said that she had also talked to the schools and they would be happy to send out a link to the video via their weekly newsletter. Ms. Ladik said Marlboro has it on YouTube. Ms. Murphy said you would have to set up a YouTube channel for the Town of Pepperell and she would be happy to set that up. Mr. Keating said we might do one or two public viewings, possible at the library that could be accompanied by question and answers.

Mr. Patenaude asked for a motion for acceptance of this request with the timeframe as outlined. So moved by Ms. Morrow. Seconded by Ms. Ladik.

Mr. Beattie called point of order and asked if this would be opened to the public for questions.

Mr. Patenaude asked if the Board was okay with opening to public comments.

Mr. Patenaude opened up the meeting to public comments:

Tony Beattie, 36 Oak Hill Street, said he is a Select Board Member, but is not speaking in that capacity. He said that this is a groundbreaking move on the part of Pepperell to put a promotional video out, and that you are creating an unlevel playing ground using taxpayers' money to promote something that others may not agree with and don't have the money to hire a public relations company. This is crossing a boundary where you are going into more of a corporate world marketing of a product you wish to sell to the public.

Mr. Patenaude said that the Town of Pepperell has used town money for informational pamphlets. This is informational under the Master Plan to educate the public. Unfortunately, we are put in a position of having to do this because there is so much misinformation out there. This is an informational video, not a marketing video, not different than the pamphlets that have been used by the Water Department, Planning Board and other groups in Pepperell.

Mr. Keating said that in the Master Plan Implementation there are goals and objectives relating to conservation, etc., and these committees are also free to request funds. The AHC isn't cornering taxpayer funds.

Chuck Walkovich, 8 Countryside Road, said that he is a former Chair of the Master Plan Committee and Master Plan Implementation Team. The funds are available, and continue to be available, to organizations that don't have support and do not have a formal budget. It is perfectly warranted that these funds be used for the AHC. The Agricultural Commission has used these funds to study a commercial kitchen. The Climate Change Council has used this to develop educational flyers. It is appropriate for the AHC to use these funds for educational purposes.

Lisa Ferolito, 3 Brandon's Way, asked about the Town's water supply. Mr. Patenaude said this doesn't have anything to do with this request by the AHC. Ms. Ferolito said it does and again asked about the Town's water supply. Mr. Patenaude said that is not what we are discussing.

Dave Lavender., 19 Deerfield Drive, said you are using Town money to combat something and we deserve to know what it is. Mr. Patenaude said there is a lot of misinformation with regards to the 40R and 40B, and what a 40R is. This will provide clarity on what the difference is between a 40R and a 40B, and allow people to decide whether to go with a 40R or a 40B. Mr. Lavender asked if it is just going to be the difference between 40R and 40B or will it delve into projects for the Town of Pepperell. Mr. Patenaude said it will only be for the two sites that are outlined now, or possible future sites that may be added in the future. Mr. Lavender said he is not concerned about the zoning article he is concerned about the video. Mr. Patenaude said the video would not be site specific. Mr. Ganong said that the goal of the video is to explain to people what the benefits of 40R are, and it is not to discuss the specific sites.

Renee D'Argento, 18 Prospect Street, member of the AHC, said that she had the pleasure of meeting Ms. Murphy yesterday at the Fall Fest and she asked Ms. Murphy about the video. The AHC had discussed that it would be a balanced view on the 40R and the AHC will review it and hopefully that will allay people's concerns.

Mr. Patenaude asked for a motion to approve the request for MPIT funds for a video, in the amount of \$4066.00. So moved by Ms. Morrow., seconded by Ms. Ladik. All in favor.

Roll Call Vote taken as follows:

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

6. Review Planning Board Design Standards:

Mr. Patenaude asked Ms. Gingras to provide the Board with an outline of where we are at. Ms. Gingras provided an overview of the status of the drafts she has sent out to the Board to review, to date. She also provided a screen share. Mr. Patenaude asked which parcels were in the request to DHCD. Ms. Gingras said the Leighton Street parcels and the Nashua Road/Senior Center parcel. She said it would be for a maximum of 180 units for the Leighton Street project and a maximum of 50 units for the Nashua Road/Senior Center parcel. Discussion ensued. Ms. Gingras said all of this information is on the Town website.

Mr. Patenaude asked if the Board Members had any questions. He explained that anything different added in in the future would have to go back to the State. Ms. Gingras said these Design Standards are what the Planning Board would be looking at under the 40R SGOD zoning bylaw. The bylaw itself is not a project approval. Mr. Patenaude it would be similar to the Subdivision Control process. Discussion ensued.

Mr. Patenaude asked if the Board Members had a chance to review the 40R Design Standards. Ms. Morrow and Ms. Ladik said that they had. Mr. Patenaude asked if there were any glaring items that need to be reviewed. Ms. Campetti, Ms. Ladik and Ms. Morrow said there was nothing major after their respective reviews.

Ms. Gingras provided an overview, via screen share, of the draft document and the different types of developments that a developer could choose to do, as well as other aspects of things that a developer or the Board could consider when looking at a site plan/development. Discussion ensued.

Ms. Gingras asked if anyone had any questions.

Mr. Patenaude said he would like to ask the Board to think about other potential sites that could come up at some point in the future, and how these Design Guidelines/Standards would work with them, such as a location on Main Street or Hotel Place. The purpose of these guidelines is not just for the two sites being looked at right now. He also discussed lighting and said that if the Board Members had any suggestions, to get them to Ms. Gingras. He also said that suggestions from members of the public would be welcomed as well.

7. Review 40R SGOD Zoning Article:

Ms. Gingras said that they are still waiting to hear back from DHCD on the pre-eligibility and that the public hearing is scheduled for October 17, 2022. She asked if the Board had any specific changes that need to be made. Mr. Patenaude said he wants to think about where we could fine-tune. Ms. Ladik said she did not, but she likes it

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

a. Planning Updates –

Ms. Gingras said that the engineering firm is in the process of completing survey work for the rotary. The plan is to put the project out to bid around December and have the work start next Spring (*this was taken out of order at the beginning of the meeting*).

Ms. Gingras said there would be a joint meeting with the Climate Change Council (CCC) on October 3, 2022.

Jim Scarsdale, 90 Nashua Road, Chair of the CCC, addressed the Board and asked if the Board was looking for any feedback prior to the joint meeting scheduled for October 3, 2022. He said that in general, the CCC seems to be in favor of the stretch guidelines. Hopefully we can weigh those against what the Planning Board is proposing in the draft design guidelines. Mr. Patenaude said the stretch guidelines are part of the MA Building Code, and Pepperell is a stretch community.

Renee D'Argento, member of the CCC, asked if there could be a trigger mechanism in the Design Guidelines that could be activated when the new Stretch Code comes out. Discussion ensued. Ms. Gingras said that the Zoning Bylaw and the Design Standards can't require more than the Building Code. Mr. Patenaude said he will double-check this with the Building Commissioner. Discussion ensued.

Ms. Gingras said the 40R Hearing is on October 17, 2022. She said there are technically two sections. She said that at the Select Board meeting on Sept 12, 2022, Ken Kalinowski, DPW Director, clarified his letter on water capacity and wells. Please watch video of what he had to say.

Ms. Morrow asked if Ms. Gingras could get the table she had, with the differences between 40R and 40B, printed and put into the tax bills that will be mailed out. Mr. Patenaude said that Ms. Gingras could look into that.

Ms. Gingras said that sidewalk project at Railroad Square is underway. She has met with business owners and the Pepperell Business Association and everyone is excited about that, and they have the survey back from the engineer.

The MA Historic Commission project for the 3rd floor of Town Hall is moving along and should be sent out to bid in a few weeks.

We just received a report from the Historical Commission regarding projects that should be re-surveyed under MA Historical and protecting historical resources in the future.

b. Town Meeting – November 14, 2022

9. Future Meeting(s):

- a. October 3, 2022
- b. October 17, 2022
- c. Ms. Gingras said that the Board would also be conducting Site Visits on Monday, September 26, 2022, at 5:00p.m. starting at 1-5 Tucker Street (Dog Taoist), followed by a Site Visit to 23-29 Hollis Street (Babin Landscaping)

10. 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 8:54p.m.

Planning Board Meeting Minutes of September 19, 2022, respectfully submitted by Cheryl Lutcza