



# Town of Pepperell Planning Board

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## FORM C-1

### CERTIFICATE OF APPROVAL DEFINITIVE SUBDIVISION PLAN

Lisa Ferolito, Town Clerk  
Town of Pepperell  
Pepperell, MA 01463

It is hereby certified by the Pepperell Planning Board that, at a duly called and properly posted meeting of said Planning Board, held on March 21, 2016, it was voted to approve with the conditions stated herein the following definitive subdivision plan:

**Entitled:** Open Space Residential Subdivision Development (OSRD), Definitive Subdivision Plan of Land, Hollis Street, Pepperell, Massachusetts  
**Dated:** February 24, 2016  
**Engineer:** Whitman & Bingham Assoc., LLC, 510 Mechanic Street, Leominster, MA 01453  
**Surveyor:** Rose Land Survey, Inc., 1 Davis Street, Pepperell, MA 01463  
**Owner/Applicant:** Albert Patenaude, 12 Village Road, Pepperell, MA 01463  
**Filed on:** February 25, 2016  
**Location:** 68-72 and 76-78 Hollis Street  
**Assessors' Map:** 15 **Lot:** 31-1; 31-2; 31-4; 31-5; 31-6; 31-7  
**No. of lots:** 13 lots and 1 parcel

Date of Hearing: March 21, 2016. Advertised in the Pepperell Free Press on March 4, and 11, 2016. Parties of Interest notification mailed on March 7, 2016.

Submission included: Above referenced definitive plan; Form C; abutters list; and an application fee of \$5,400. Advertising costs in the amount of \$164.68 and postage fees of \$29.40 were also submitted.

Plan referred to other boards, departments and/or commissions for comments on March 1, 2016. Comments were received from the Board of Health, Highway Department,

This Definitive Plan is filed under the requirements of the Pepperell Planning Board Rules & Regulations Regarding the Subdivision of Land and the Pepperell Protective Zoning Bylaws and should reference Planning Board Special Permit 2015-04 for an Open Space Residential Development.

Under the Town of Pepperell Planning Board Rules and Regulations Governing the Subdivision of Land, as last revised October 11, 2005, the Planning Board makes the following findings:

1. Based on the submitted plans, data and the requests for waivers, the Planning Board finds that the applicant has substantially met the requirements for a definitive plan submission.
2. This definitive subdivision of land is subject to a Special Permit for an open space residential development under Sec. 7100 of the Zoning By-law. A note stating "Lot area, frontage and

setbacks for the lots are in accordance with the Pepperell Zoning By-law, Sec. 7142 and with conditions set forth in the Special Permit decision (SP 2014-07) for an open space residential development granted by the Pepperell Planning Board.” Shall be added to the plan presented for endorsement.

3. The definitive plan is for the creation of 13 lots and 1 parcel. There shall be no further subdivision without the consent of the Planning Board and in accordance with M.G.L. Chapter 41, Secs. 81K – 81GG, Subdivision Control Law.
4. This definitive plan includes the use of Low Impact Development (LID) techniques for stormwater management per Section 7180 of the Open Space Residential Development (OSRD) bylaw and therefore does not require compliance with all drainage requirements of Subdivision Rules and Regulations of the Town of Pepperell.

The Planning Board establishes the following conditions of approval of the definitive subdivision plan:

1. The plans presented for endorsement shall be the final plans as described above.
2. This approval is granted with the approval of the Board of Health reflected in their endorsement on the final plans as described above.
3. This approval is in conjunction with the approval of the Open Space Residential Development Special Permit 2015-04 and shall be noted on the final plans as described above.
4. The Board grants the following waivers from compliance with the Pepperell Subdivision Rules and Regulations and they shall be noted on the final plans as described above:
  - a. Section 5.11.1 for the requirement of a sidewalk on one side of the street. The Applicant shall not be required to install sidewalks as there are no connecting sidewalks along Hollis Street.
  - b. Section 5.12 for the requirement for curbing. The Applicant shall not be required to install curbing along the entire length of the roadway, only in the section shown on the Plans, as there is Low Impact Development (LID) drainage proposed on the remainder of the roadway.
  - c. A waiver under Special Permit 2015-04 has granted reduced frontage on Lot #6 from the required 75’ to 45.92’.
5. The street name Theodore Lane is approved by the Planning Board and shall be noted on the final plans as described above.
6. The applicant shall provide for a performance guarantee to secure the construction of the roadway and the installation of any municipal services, if applicable, and shall be done so in accordance with the provisions of M.G.L. Chapter 41 Section 81U and the Pepperell Subdivision Rules & Regulations Section 4.3.7. and shall be in the form of a bond, deposit of money, covenant, tri-party agreement or a combination of these methods. Such guarantee shall include a completion date for the project.

7. Prior to the commencement of any work, the applicant shall provide proof to the Planning Board that they have filed to obtain a NPDES permit.
8. No tree removal, utility installation, ditching, grading, construction of roads, grading of lots or lands shall be done on any part of the development site until the definitive plan has been recorded at the Registry of Deeds and proof of recording has been provided to the Planning Board in accordance with Section 4.3.9 of the Pepperell Subdivision Rules and Regulations.
9. A condition shall be added to any performance guarantee proposed by the applicant which states that “No occupancy of any dwelling shall be permitted until the roadway is completed up to binder course along the entire frontage of the lot for which occupancy is sought.”
10. A Form P, Inspection Record, must be completed and signed off by the appropriate departments as each item is completed. The Form P must be kept up-to-date and will need to be submitted to the Planning Board in accordance with Sec. 4.3.10 of the Pepperell Subdivision Rules & Regulations upon completion of the subdivision. Any inspections done for the purposes of Form P sign-offs are pending the receipt of as-built plans, the accuracy of which will determine the acceptance of the roadway by the Town.
11. The Town of Pepperell shall not be responsible for any maintenance or repairs in the subdivision, and this shall include snow plowing. It shall be understood that all maintenance and repairs of the roadways and any associated drainage structures or utilities shall be the responsibility of the Applicant in a manner satisfactory to the Department of Public Works until such time as the roadway and utilities are formally accepted at Town Meeting. The Town of Pepperell is not required to plow snow on a street that has not been accepted by Town Meeting.
12. In accordance with M.G.L. Chapter 82 Section 22, any roadway petitioning for acceptance by the Town shall present a road acceptance plan to the Board of Selectmen.
13. A final as-built plan showing locations and elevations of all water, wastewater, and drainage facilities, as well as any underground utilities or services shall be submitted to and approved by the Planning Board in accordance with section 6.3 of the Pepperell Subdivision Rules and Regulations prior to the installation of the binder course of bituminous concrete. Any deviations from the plan approved by the Planning Board shall be highlighted on the as-built plan and shall include the date of approval of such change by the Planning Board. Final as-built plans shall contain a Registered Professional Civil Engineer's certification that the drainage system has been installed as shown on the endorsed plans and has performed adequately for one continuous period running from March 1st to June 30th of any one year.
14. Temporary street signs shall be installed prior to the issuance of any building permits.
15. Any proposed changes or alterations to the plan shall be handled in accordance with Section 6.5 of the Pepperell Subdivision Rules and Regulations.
16. Hours of construction operations shall be in accordance with Section 6.9 of the Pepperell Subdivision Rules and Regulations.
17. The applicant shall comply with any orders of conditions issued by the Conservation Commission or DEP including securing a Certificate of Completion for any orders directly associated with the roadways or drainage structures.

18. There shall be no burial of stumps on the site.

19. The Planning Board members or their agent shall have the right to enter and inspect the area subject to this decision at reasonable hours to evaluate compliance with the conditions stated in this decision.

20. The applicant shall be responsible for insuring that noise and dust are minimized during construction. The applicant is also responsible for proper waste collection and disposal including provisions for comfort stations as well as demolition materials, etc.

So decided by a majority of the members of the Pepperell Planning Board on \_\_\_\_\_, 2016.

\_\_\_\_\_  
Anna J. MacDonald, Chairman

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George Clark

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Michael Dapcic

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Richard C. McHugh, Jr.

PLANNING ADMINISTRATOR

A copy of this decision was transmitted to the Town Clerk on \_\_\_\_\_, 2016.

\_\_\_\_\_  
Susan Snyder, Planning Administrator

TOWN CLERK

I certify that on \_\_\_\_\_, 2016, a copy of the decision in the above matter was filed with me, that twenty (20) days have elapsed since said filing and that no appeal has been filed, or, if an appeal has been filed, it has been dismissed or denied.

\_\_\_\_\_  
Lisa Ferolito, Town Clerk

Copy provided to applicant on: \_\_\_\_\_

***Appeals of this decision are to Superior Court in the manner as set forth in M.G.L Chapter 41, Section 81BB and must be taken within 20 days of the date of filing this decision with the Town Clerk.***