



Town of Pepperell
BOARD OF APPEALS
One Main Street
Pepperell, Massachusetts 01463

DECISION

APPLICATION #: 2016-01

APPLICANTS: William and Sue Watson

OWNER OF PROPERTY: William and Sue Watson

LOCATION OF PROPERTY: 46 Brookline Street

RELIEF REQUESTED: Special Permit

DECISION OF BOARD: Granted

DATE OF DECISION: March, 23, 2016

STATEMENT OF FACTS:

Application submitted to Town Clerk: January 21, 2016

Cited Section(s) of the Zoning Chapter of the Code of the Town of Pepperell and any other applicable Zoning Law: 3400 to 3440 and 9300.

Application copied to the Assessor's Office, Building Inspector, Planning Board, Conservation Commission, Pepperell Police Department, Pepperell Fire Department, Town Engineer, Highway Department, Board of Health, Water Department, Sewer Department, Communications Director, Treasurer/Collector, Historical Commission and Town Counsel: January 27, 2016.

Dates of Published Notice of Public Hearing: March 4, 2016 and March 11, 2016 issues of the "Nashoba Valley Voice".

Notification of parties in Interest: Mailed Notice of Public Hearing to abutters and to the abutting towns of Groton, MA; Townsend, MA; Dunstable, MA; Brookline, NH; Hollis, NH; and Nashua, NH on: March 1, 2016

Date of Public Hearing(s): March 23, 2016

Board of Appeals Members present at Public Hearing of March 23, 2016: Mark Walsh, Annette McLean and Jan Adamczyk. Also present: Cheryl Lutcza (Assistant to Zoning Board of Appeals).

CONTENTS OF TOTAL APPLICATION:

Exhibit A:	Certified List of Abutters – October 22, 2015
Exhibit B:	New Application Memo to ZBA & Town Counsel – January 27, 2016
Exhibit C:	New Application Memo to Town Boards/Departments – January 27, 2016
Exhibit D:	Response from Treasurer/Collector – January 28, 2016
Exhibit E:	Revised Certified Plot Plan (submitted by Applicant) with location of town water lines and septic system on plan
Exhibit F:	Memo to Town Departments with revised Certified Plot Plan attached – February 1, 2016
Exhibit G:	Memo to ZBA and Town Counsel with revised Certified Plot Plan attached – February 1, 2016
Exhibit H:	Response from Town Counsel – February 1, 2016
Exhibit I:	Response from Highway Department – February 2, 2016
Exhibit J:	Response from Town Engineer – January 27, 2016
Exhibit K:	Response from Conservation Commission – January 27, 2016
Exhibit L:	Meeting Notice/Agenda – March 23, 2016
Exhibit M:	Response from Board of Health – February 12, 2016
Exhibit N:	Response from Town Counsel relative to Highway Department’s Request – February 16, 2016
Exhibit O:	Notice of Public Hearing/Legal Ad – March 23, 2016
Exhibit P:	Response from Historical Commission – February 22, 2016
Exhibit Q:	Updated Response from Board of Health – February 26, 2016
Exhibit R:	Meeting Notice/Agenda (revised) – March 23, 2016
Exhibit S:	Affidavit of Mailing of Notice of Public Hearing – March 1, 2016
Exhibit T:	Hearing and Fees Letter to Applicants – March 7, 2016
Exhibit U:	Legal Ad Copy from Nashoba Valley Voice – March 4, 2016
Exhibit V:	Response Memo to ZBA from C. Lutzca – March 14, 2016
Exhibit W:	Meeting Notice/Agenda (revised) – March 23, 2016
Exhibit X:	Legal Ad Copy from Nashoba Valley Voice – March 11, 2016
Exhibit Y:	Email from DPW Office verifying Town Water at subject property – March 17, 2016
Exhibit Z:	Hearing Attendance Sheet – March 23, 2016

FEES:

Applicants paid to the Town of Pepperell (1) a filing fee of \$100.00; (2) a postage fee in the amount of \$33.51, to notify Parties in Interest of the Public Hearing and Decision; and (3) a fee to the “Nashoba Valley Voice” in the amount of \$146.78, for the legal advertising of the public notices.

STATEMENT OF CASE:

The Board of Appeals conducted a public hearing on March 23, 2016, regarding an application submitted by William and Sue Watson, requesting a Zoning Board of Appeals SPECIAL PERMIT, under Sections 3400-3440 and 9300 of the Town of Pepperell Zoning By-Law, which if granted, would allow construction of an accessory apartment. Subject property is located at 46 Brookline Street, Pepperell, MA, as shown on Assessor's Map 14 as Parcel 301-0.

Applicants, William and Sue Watson, were present at the hearing and addressed the Board regarding the relief being requested. Members of the public were present at the hearing. Applicants submitted an “Affidavit of Owner Occupancy”, with their application, stating that they will occupy one unit of the subject property as their primary residence, except for bona fide temporary absence, while two units exist. Motion was made, and all Board Members concurred, to **grant** the requested relief.

Details of the hearing(s) are available in the Zoning Board of Appeals Meeting Minutes of March 23, 2016.

FINDINGS:

1. The subject property is located 46 Brookline Street, Pepperell, MA, as shown on Assessor's Map 14 as Parcel 301-0.
2. The property is located in the Town Residence District.
3. Abutters were not present at the hearing. Members of the public were present at the hearing.
4. Subject property is serviced by a private septic system (per Board of Health).
5. Subject property is serviced by town water (per DPW Office).
6. Pursuant to Section 3431 of the Town of Pepperell Zoning –By-law, a Plot Plan was submitted.
7. Pursuant to Section 3432 of the Town of Pepperell Zoning-By-law, an Affidavit of Owner-Occupancy has been submitted stating that one of the two dwelling units shall be occupied by the owner of the property except for bona fide temporary absence.
8. Pursuant to Section 3433 of the Town of Pepperell Zoning-By-law, the proposed accessory apartment has a gross floor area of less than 800 square feet, thereby meeting the criterion that the accessory apartment not exceed 800 square feet in gross floor space. The proposed accessory apartment will be located in the principal residential structure on the premises.
9. Pursuant to Section 3434 of the Town of Pepperell Zoning-By-law, the external appearance of the structure in which the accessory apartment is located does not significantly alter the appearance of the single-family structure.
10. Pursuant to Section 3435 of the Town of Pepperell Zoning-By-law, there is sufficient and appropriate space for at least (1) additional parking space to serve the accessory apartment.
11. Pursuant to Section 3440 of the Town of Pepperell Zoning-By-law, the existence and occupancy of the accessory apartment is not detrimental to the neighborhood and is in harmony with the general purpose and intent of the Zoning-by-law.
12. Pursuant to Section 9320 of the Town of Pepperell Zoning-By-law, the use will not cause substantial detriment to the Town or neighborhood.

CONDITIONS:

1. The Applicant(s) shall apply for and obtain all necessary permits and the accessory apartment will be in accordance with all applicable state and local codes and regulations.
2. The permit for the accessory apartment hereunder shall not be construed as exempting the applicant from compliance with applicable building, environmental or sanitation regulations currently in force and effect.
3. The Applicant shall obtain an occupancy permit prior to any occupation of the accessory apartment.

CONCLUSION:

The Board of Appeals finds that the requested relief, a **SPECIAL PERMIT** under Sections 3400-3440 and 9300 of the Town of Pepperell Zoning By-Law, to allow construction of an accessory apartment, at the subject property, 46 Brookline Street, Pepperell, MA, as shown on Assessor's Map 14 as Parcel 301-0, does not substantially derogate from the intent and purpose of the Town of Pepperell Zoning-By-law, and therefore is not substantially detrimental to the surrounding neighborhood considering the factors listed in Section 3400 of the Town of Pepperell Zoning By-laws, and therefore the requested relief may be **granted**.

DECISION:

Based on the foregoing findings and conclusions, the Board **grants** the requested relief, a **SPECIAL PERMIT** under Sections 3400-3440 and 9300 of the Town of Pepperell Zoning By-law, to allow an accessory apartment at the subject property, 46 Brookline Street, Pepperell, MA, as shown on Assessor's Map 14 as Parcel 301-0.

So decided this 23rd day of March 2016 by role call vote as listed:

Mark Walsh: Aye

Annette McLean: Aye

Jan Adamczyk Aye

CERTIFICATIONS:

We, the undersigned members of the Board of Appeals of the Town of Pepperell, certify that we attended and participated in all of the hearings, the decision and the order of the above matter, that said hearings and decision were made at public meetings of the Board and that we made the forgoing decision with the undersigned members voting by role call vote.

Mark Walsh

Annette McLean

Jan Adamczyk

N/A

Sean McCaffery

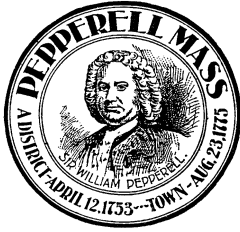
N/A

Carl Schilling

ASSISTANT TO THE BOARD OF APPEALS

A copy of this decision was transmitted to the Town Clerk on: April 4, 2016

Cheryl Lutcza, Assistant to the Board of Appeals



Town of Pepperell
BOARD OF APPEALS
One Main Street
Pepperell, Massachusetts 01463

NOTICE OF DECISION: Special Permit

ZBA File No: 2016-01

Notice is hereby given that a Zoning Board of Appeals Special Permit has been **granted**:

To: William and Sue Watson

For: Special Permit to allow construction of an Accessory Apartment

Property Located at: 46 Brookline Street, Pepperell, MA, as shown on Assessor's Map 14, as Parcel 301-0.

Owned by: William and Sue Watson

This Decision of the Zoning Board of Appeals is on file with the papers on this matter in the office of the Town Clerk. **Certified this 4th day of April 2016:**

Zoning Board of Appeals: _____
Cheryl Lutcza, ZBA Assistant

RIGHT TO APPEAL:

Appeals to this Decision are to the Court pursuant to the M.G.L., Chapter 40A, Section 17, and must be taken within twenty (20) days of the filing of this Decision with the Town Clerk.

TOWN CLERK CERTIFICATION:

I certify no appeal has been received within twenty (20) days of the filing of this notice in my office, or that if an appeal has been filed it has been dismissed or denied.

Lisa Ferolito, Town Clerk

NOTICE TO APPLICANT:

Having received certification from the Town Clerk, it shall be the responsibility of the Applicant to have recorded both this NOTICE OF DECISION and the SPECIAL PERMIT DECISION at the South Middlesex Registry of Deeds and indexed in the grantor index under the name of the owner of the record or recorded and noted on the owner's certificate of title. Fee for recording shall be paid by the owner or applicant. NO BUILDING PERMITS or CERTIFICATES OF OCCUPANCY shall be issued by the Building Inspector until notice of attestation by the Registry of Deed is made to the Town Clerk by filing a copy of this notice with the recording date and document number noted.

ATTESTATION:

Received and entered with the Registry of Deeds in the County of Middlesex, South

ATTEST: _____
Register of Deeds

Town of Pepperell ZBA Decision No: 2016-01-Special Permit: 46 Brookline Street