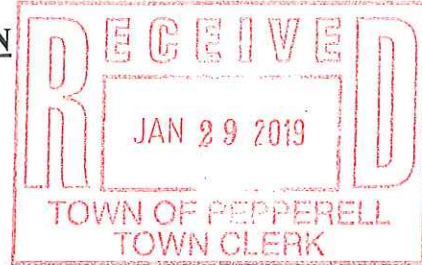


Town of Pepperell Planning Board

1 Main Street, Pepperell, Massachusetts 01463-1644
978-433-0336 Phone 978-433-0338 Fax
planning@town.pepperell.ma.us

NOTICE OF DECISION



FILE: SP2018-005

APPLICANT: Michael & Donna Quintal
134 River Road
Pepperell, MA 01463

LOCATION OF PROPERTY: 32-34 Shirley Street/87 Elm Street, Pepperell, MA. Map 34,
Parcel/Lot 35-3

OWNER OF PROPERTY: Same as Applicant

DATE OF DECISION: January 28, 2019

The Decision of the Planning Board is on file with the papers on this matter in the Office of the Town Clerk.

Certified this 29th day of January, 2019.

PLANNING BOARD: B. Montesanti
Brynn Montesanti, Assistant to Planning Board

RIGHT TO APPEAL

Appeals to this decision are to the Court pursuant to M.G.L., Chapter 40A Section 17 and must be taken within (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.

TOWN CLERK: _____ **DATE:** _____



Town of Pepperell Planning Board

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SPECIAL PERMIT DECISION

FILE: SP2018-005

APPLICANT: Michael & Donna Quintal
134 River Road
Pepperell, MA 01463

LOCATION OF PROPERTY: 32-34 Shirley Street/87 Elm Street, Pepperell, MA. Map 34,
Parcel/Lot 35-3

OWNER OF PROPERTY: Same as Applicant

DATE OF DECISION: January 28, 2019

STATEMENT OF FACTS:

- Application Submitted to Planning Board: December 18, 2018
- Applicable Sections of the Zoning Bylaw, Town of Pepperell, Massachusetts, September 17, 2001, as amended: Appendix A Subsection A Line 2
- Dates of Published Notice of Hearing: January 4, 2019 & January 11, 2019 in *The Nashoba Valley Voice*
- Notification of Parties in Interest: Mailed notices, including notification to the abutting towns of Groton, Townsend, and Dunstable in Massachusetts and Brookline, Hollis and Nashua in New Hampshire on December 20, 2018.
- Date(s) of Hearing: January 28, 2019
- Planning Board Members present at the Hearing: Casey Campetti, Michael Dapcic, Paul J. Lonergan, Richard McHugh, Jr., Albert Patenaude and Charles Walkovich.
- The application was submitted with prints of the referenced plan, a copy of appendix A, a request

for waivers form, a certified abutter's list and a filing fee of \$250. The applicant has subsequently been invoiced by the Town of Pepperell in the amount of \$10.60 for postage and \$497.12 for the legal advertising of the public hearing notice.

After circulation of the application on December 19, 2018 to Assessor, Board of Fire Engineers, Board of Health, Building Inspector/Zoning Officer, Chief of Police, Conservation Commission, DPW/Highway, DPW/Water and DPW/Town Engineer responses were received from the Highway Department, Town Engineer, Assessor and Board of Health.

PROJECT NARRATIVE: The property is shown as Lot 3A on a plan dated December 1, 2018 for 32-34 Shirley Street/87 Elm Street prepared by Jack Visniewski of Cornerstone Land Consultants. The Applicant is seeking a Special Permit so as to construct a two family dwelling. The property is currently subject to a Common Driveway Special Permit from the Planning Board and an Order of Conditions from the Conservation Commission. The existing and proposed lot is shown on a new plan of land that will be submitted to the Planning Board. A sewage disposal system will be submitted to the Board of Health/

FINDINGS: Upon the close of the public hearing(s,) the Board made the following findings of fact regarding this application:

1. The proposed construction and use is in harmony with the general purposes and intent of the zoning bylaw.
2. The proposed use complies with the general and specific provisions set forth in the zoning bylaw.
3. The proposed project will be served by a shared sewage disposal system and municipal water. Not being advised other use by the respective departments, the Planning Board concludes that the use will not overload any public water, drainage, sewage or other municipal system.
4. The proposed project will not impair the integrity or character of the Town Residence District nor be detrimental to the health or welfare of residents or the natural environment.

DECISION: The Board **GRANTS** this Special Permit under the following conditions:

1. The word "Applicant" as used in this decision shall be defined as any of the following: (a) the applicant of record; (b) his assigns; (c) his heirs; or (d) any successors in title.
2. This Duplex Special Permit shall be recorded at the Middlesex South Registry of Deeds prior to the issuance of any other permits for this lot. Proof of recording shall be provided to the Town Clerk, as stated in the Notice of Decision for this Special Permit. No building permits shall be issued until proof of recording has been received.
3. Any and all deeds for this property shall specifically refer to the conditions contained in this decision and shall contain reference to the Book and Page filing information of this Special Permit.

4. The Applicant shall conform to all necessary local, state, and/or federal application and permitting requirements.
5. If during judicial review, any condition stated herein is declared null and void, the remaining conditions shall apply.
6. This Special Permit shall lapse after two (2) years from the grant thereof if a substantial use thereunder has not begun, except for good cause. Such approval may, for good cause, be extended in writing by the Planning Board upon the written request of the applicant.
7. The Building Inspector/Zoning Officer shall enforce all conditions stated in this decision. If the Zoning Officer determines that the applicant is in violation of the conditions of this special permit he may: (1) levy a fine, as provided for in Zoning By-law; (2) demand that all construction activities shall cease until the project has been brought into conformance with this special permit; and/or (3) notify the Planning Board that the applicant is in violation of the conditions of this special permit, which may result in action by the Planning Board to revoke the special permit by written instrument voted upon and signed off by four of the five members of the Planning Board.
8. The conditions of approval in this Special Permit may be amended by filing an application for a special permit which shall be acted upon by the Planning Board in the same manner as is written in the Planning Board Special Permit Rules & Regulations for all special permit petitions.
9. This decision is subject to appeal in accordance with M.G.L. Ch. 40A Sec. 17 within 20 days after this decision is filed with the Town Clerk.
10. The structure must be constructed in accordance with the elevations and building plans prepared by Giattino Design last revised 11/11/17. Prior to the receipt of a building permit the Applicant shall obtain approval from the Board of Health for the shared septic system.
11. Each unit will be required to have a separate water service, shut off and water meter.
12. Any property serviced by existing 2" water line shall be connected to new water main, at the expense of the Applicant, and existing 2" water line shall be abandoned.
13. Prior to the receipt of an occupancy permit the common driveway must be constructed or bonded in accordance with SP-2018-003.
14. Primary access to this lot shall only be from the common driveway. During construction the only allowed use of the Shirley Street access will be limited to the water line construction.
15. Prior to the receipt of an occupancy permit the restrictive covenants and easements binding present and future owners of all the lots served by the common driveway and the condominium documents must be recorded at the Registry of Deeds and shall also be recited in and attached to every deed to every lot served by the common driveway.

A copy of the SPECIAL PERMIT DECISION and NOTICE OF DECISION shall be transmitted to the owner, the applicant (if other than owner) and the Town Clerk by the Planning Board Administrator. Additionally, the endorsed construction plan shall be distributed by the Planning Administrator to the Town Clerk, Building Inspector, Town Engineer, and Board of Assessors.

A copy of the NOTICE OF DECISION shall be transmitted to the parties in interest and anyone requesting such and providing their address at the public hearing, all with the notice of their right to appeal to court pursuant to Section 17 of the Zoning Act, by the Planning Administrator.

CERTIFICATIONS:

We, the undersigned members of the five member Planning Board of the Town of Pepperell certify we attended and participated in all of the hearings, the decision and the order in the above matter, that said hearings and decision were made at public meetings of the board and that we made the foregoing decision with the undersigned members voting by roll call vote as follows:

Date: January 28, 2019
Motion by: Albert Patenaude
Seconded by: Richard McHugh

<u>Member</u>	<u>Signature</u>	<u>Vote</u>
Michael Dapcic	<u>Michael Dapcic</u>	<u>Aye</u>
Paul J. Lonergan	<u>Paul J. Lonergan</u>	<u>Aye</u>
Albert Patenaude	<u>Albert Patenaude</u>	<u>Aye</u>
Richard McHugh	<u>Richard McHugh</u>	<u>Aye</u>
Charles Walkovich	<u>Charles Walkovich</u>	<u>Yes</u>