


Town of Pepperell
BOARD OF APPEALS

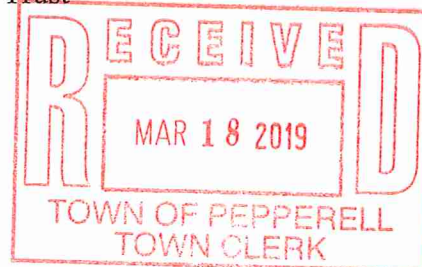
One Main Street
Pepperell, Massachusetts 01463
(978) 433-0333
Fax: (978) 433-0335
Email: clutcza@town.pepperell.ma.us

TO: ZBA File No. ZBA-2018-10 (122-124 South Road – Harrison)
FROM: Cheryl Lutzca, ZBA Assistant 
DATE: March 18, 2019
Re: Correction of Scribner's Error on Notice of Decision Page

On March 18, 2019, a minor scribner's error was corrected on the Notice of Decision page (for the above-referenced property), where the ZBA File No. was incorrectly written as "ZBA-2019-10" and the correct ZBA File No. is "ZBA-2018-10" (please see attached copy of corrected Notice of Decision) Correction was made on the Town Clerk's original, as well as all copies in the ZBA file.. Copies of the correction were provided to the Applicant, Inspection Department, Conservation Commission and Assessor's Office.

Cheryl Lutzca

Cc: Town Clerk
Applicant: John Harrison, 122 South Road Realty Trust
ZBA Members
Town Counsel



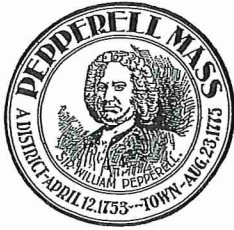
ZBA-2018-10 December 27, 2018

122-124 South Road (Harrison)

VARIANCES

COPY

SCANNED

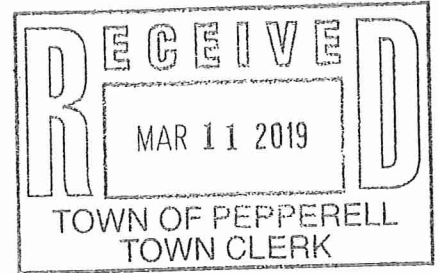


Town of Pepperell
BOARD OF APPEALS
One Main Street
Pepperell, Massachusetts 01463

2018-10-cl-3/18/19

NOTICE OF DECISION: Variance

ZBA File No: **2019-10**



Notice is hereby given that a Zoning Board of Appeals Variance has been granted:

To: John Harrison, Trustee, 122 South Road Realty Trust

For: Variance

Property Located at: 122-124 South Road, Pepperell, MA, as shown on Assessor's Map 37, as Parcels 28-0 and 29-0.

Owned by: John Harrison, Trustee, 122 South Road Realty Trust

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 the 11th day March 2019:**

Zoning Board of Appeals:

Cheryl Luteza
Cheryl Luteza, 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.

Jeanne M. Survell, 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 VARIANCE DECISION at the South Middlesex Registry of Deeds and have it indexed in the grantor index under the name of the owner of 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 Deeds is made to the Town Clerk by filing a copy of this notice with the recording date and document number noted.

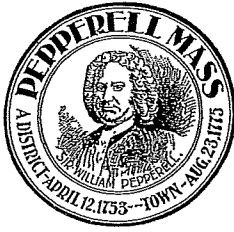
ATTESTATION:

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

ATTEST:

Register of Deeds

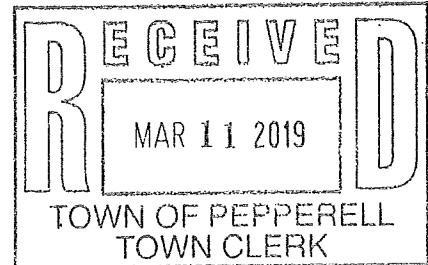
Town of Pepperell ZBA Decision No: 2018-10 - Variance: 122-124 South Road



COPY

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

DECISION



APPLICATION #: 2018-10

APPLICANT: John Harrison, Trustee, 122 South Road Realty Trust

OWNER OF PROPERTY: John Harrison, Trustee, 122 South Road Realty Trust

LOCATION OF PROPERTY: 122-124 South Road

RELIEF REQUESTED: Variance

DECISION OF BOARD: Granted

DATE OF DECISION: February 27, 2019

STATEMENT OF FACTS:

Application submitted to Town Clerk: December 27, 2018

Cited Section(s) of the Zoning Chapter of the Code of the Town of Pepperell and any other applicable Zoning Law: 4140 and 9222.

Application copied to the Assessor's Office, Building Inspector, Planning Board, Conservation Commission, Pepperell Police Department, Pepperell Fire Department, DPW Director, Highway Department, Board of Health, Water Department, Sewer Department, Communications Director, Treasurer/Collector, Historical Commission and Town Counsel: December 27, 2018

Dates of published Notice of Public Hearing: February 8, 2019 and February 15, 2019 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 February 5, 2019

Date of Public Hearing: February 27, 2019

Board of Appeals Members present at Public Hearing of February 27, 2019: Mark Walsh, Annette McLean, Sean McCaffery and Alan Leao, Jr. Also Present: Cheryl Lutzca (Assistant to Zoning Board of Appeals).

CONTENTS OF TOTAL APPLICATION:

Exhibit A:	Certified List of Abutters – October 9, 2018
Exhibit B:	New Application Memo to ZBA & Town Counsel – December 27, 2018
Exhibit C:	New Application Memo to Town Boards/Departments – December 27, 2018
Exhibit D:	Response from Treasurer-Collector – December 27, 2018
Exhibit E:	Response from Fire Department – December 27, 2018
Exhibit F:	Corrected Response Date Memo to Town Departments – January 9, 2019
Exhibit G:	Response from Highway Department – December 27, 2018
Exhibit H:	Response from Board of Health – January 10, 2019
Exhibit I:	Response from Conservation Commission – January 16, 2019
Exhibit J:	Response from Historical Commission – January 22, 2019
Exhibit K:	Notice of Public Hearing/Legal Notice – February 27, 2019
Exhibit L:	Response from DPW Director – February 1, 2019
Exhibit M:	Hearing and Fees Letter to Applicant – February 13, 2019
Exhibit N:	Revised Agenda for February 27, 2019
Exhibit O:	Response Memo to ZBA from C. Lutcza – February 13, 2019
Exhibit P:	Legal Ad Copy from Nashoba Valley Voice – February 8, 2019
Exhibit Q:	Legal Ad Copy from Nashoba Valley Voice – February 15, 2019
Exhibit R:	Response from Planning Board – February 26, 2019
Exhibit S:	Response from Town Counsel – February 26, 2019
Exhibit T:	Authorized Agent Letter from Applicant – February 27, 2019
Exhibit U:	Hearing Attendance Sheet – February 27, 2019

FEES:

Applicant(s) paid to the Town of Pepperell (1) a filing fee of \$115.00; (2) a postage fee in the amount of \$35.40, to notify Parties in Interest of the Public Hearing and Decision; and (3) a fee to the “Nashoba Valley Voice” in the amount of \$286.80, for the legal advertising of the public notices.

STATEMENT OF CASE:

The Board of Appeals conducted a public hearing on February 27, 2019, regarding an application submitted by John Harrison, Trustee, 122 South Road Realty Trust, requesting a Zoning Board of Appeals **VARIANCE**, under Sections 4140 and 9222 of the Town of Pepperell Zoning By-Law, which, if granted, would allow a Variance of 7.82 feet from the required frontage of 200 feet. The Applicant proposes to re-subdivide the existing two parcels, which contain a single-family home and two cabins to create Lot 1, which will contain the existing dwelling and meet all dimensional controls; and Lot 2 for removal of the cabins and construction of a new single family dwelling, which requires a 7.82 foot frontage Variance, but would otherwise conform to dimensional requirements. The subject property is located at 122-124 South Road, Pepperell, MA, as shown on Assessor's Map 37 as Parcels 28-0 and 29-0.

Applicant, John Harrison, Trustee, 122 South Road Realty Trust, was not present at the hearing, however he was represented by his authorized agent, Rose Chaulk, who addressed the Board on the Applicant's behalf, regarding the relief being requested. Applicant's spouse, Tina Harrison, and members of the public were also present at the hearing. Motion was made, and all Board Members concurred, to **grant** the requested relief.

Details of the hearing are available in the Zoning Board of Appeals Meeting Minutes of February 27, 2019.

FINDINGS:

1. The subject property is located at 122-124 South Road, Pepperell, MA, as shown on Assessor's Map 37 as Parcels 28-0 and 29-0.
2. The property is in the Rural Residence District.
3. Abutters were not present at the hearing. Members of the public were present at the hearing.
4. Compliance with the Town of Pepperell Zoning By-law, due to circumstances particular to the land, relating to shape, would create a substantial hardship.
5. A Variance may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the Town of Pepperell Zoning-Bylaw.

CONDITIONS:

1. The Applicant(s) shall apply for and obtain all necessary permits and all construction shall be in accordance with all applicable state and local codes and regulations.
2. The granting of the dimensional variance under the Pepperell Zoning By-law does not relieve the Applicant of the responsibility of complying with all other state and local statutes and regulations affecting the premises.

CONCLUSION:

The Board of Appeals finds that the requested relief, a **VARIANCE**, under Sections 4140 and 9222 of the Town of Pepperell Zoning By-Law, may be **granted**, to allow a Variance of 7.82 feet from the required frontage of 200 feet. The Applicant proposes to re-subdivide the existing two parcels, which contain a single-family home and two cabins to create Lot 1, which will contain the existing dwelling and meet all dimensional controls; and Lot 2 for removal of the cabins and construction of a new single family dwelling, which requires a 7.82 foot frontage Variance, but would otherwise conform to dimensional requirements. The subject property is located at 122-124 South Road, Pepperell, MA, as shown on Assessor's Map 37 as Parcels 28-0 and 29-0, and the requested relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the Town of Pepperell Zoning-By-law, and therefore the requested relief may be granted.

DECISION:

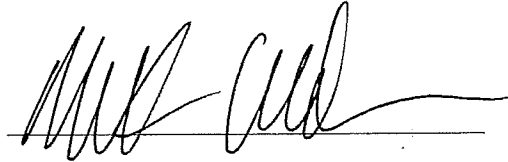
Based on the foregoing findings and conclusions, the Board **grants** the requested relief, a **VARIANCE**, under Sections 4140 and 9222 of the Town of Pepperell Zoning By-Law, of 7.82 feet from the required frontage of 200 feet. The subject property is located at 122-124 South Road, Pepperell, MA, as shown on Assessor's Map 37 as Parcels 28-0 and 29-0

So decided this the 27th day of February 2019 by roll call vote as listed:

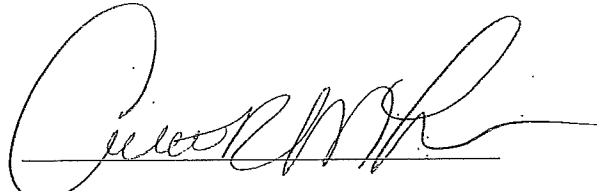
Mark Walsh:	Aye
Annette McLean:	Aye
Sean McCaffery	Aye

CERTIFICATIONS:

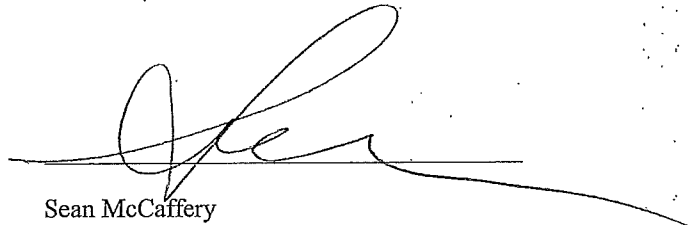
We, the undersigned members of the Board of Appeals of the Town of Pepperell, certify that we attended and participated in all of the hearings, the decision and the order of the above matter, that said hearings and decision were made at public meetings of the Board and that we made the foregoing decision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



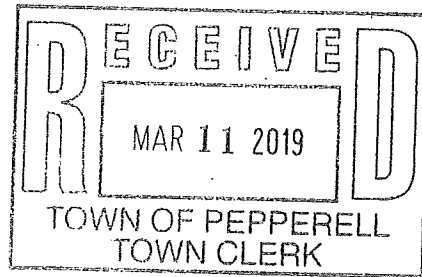
Mark Walsh



Annette McLean




Sean McCaffery



ASSISTANT TO THE BOARD OF APPEALS:

A copy of this decision was transmitted to the Town Clerk on: March 11, 2019



Cheryl Lutzka, Assistant to the Board of Appeals