



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: 2020-03 Babin Landscaping Major Site Plan Applicant

APPLICANT: Babin Landscaping
23-29 Hollis Street
Pepperell, MA 01463

LOCATION OF PROPERTY: 23-29 Hollis Street, Pepperell, MA Assessors' Map 23, Parcel 95-0 and Parcel 10-B

OWNER OF PROPERTY: Woodlands Holding Group LLC, PO Box 587, Pepperell, MA 01463

DECISION: Granted with Conditions

DATE OF DECISION: July 20, 2020

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 July, 2020.

PLANNING BOARD: Lisa Davis
Lisa Davis, Consultant to the 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 in my office within the time required by law.

TOWN CLERK: _____ **DATE:** _____



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SPECIAL PERMIT DECISION

FILE: Babin Landscaping Major Site Plan

APPLICANT: Babin Landscaping
23-29 Hollis Street
Pepperell, MA 01463

LOCATION OF PROPERTY: 23-29 Hollis Street, Pepperell, MA Assessors' Map 23, Parcel 95-0 and Parcel 10-B

OWNER OF PROPERTY: Woodlands Holding Group LLC, PO Box 587, Pepperell, MA
01463

DATE OF DECISION: July 20, 2020

STATEMENT OF FACTS:

- a) Application Submitted to Planning Board: June 3, 2020
- b) Applicable Sections of the Zoning Bylaw, Town of Pepperell, Massachusetts, September 17, 2001, as amended 9400.
- c) Dates of Published Notice of Hearing: July 3 and July 10, 2020 in the *Nashoba Valley Voice*
- d) 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
- e) Date(s) of Hearing: July 20, 2020
- f) Planning Board Members present at the Public Hearing: Casey Campetti, Albert Patenaude, Paul J. Lonergan, Charles Walkovich, and Associate Member Joyce Morrow.

- Contents of the Application dated June 1, 2020:
 - Certified List of Parties in Interest Form
 - Special Permit Application
 - Request of Waivers Form
 - Zoning Compliance
 - Stormwater Report Dated June 1,2020
 - Operations & Maintenance Manual Dated June 1, 2020 revised July 1, 2020
 - Plans prepared by J.A. Visniewski, LLC titled *Site Plan for Babin Landscaping, 23-27 Hollis Street in the Town of Pepperell, Middlesex County* dated June 1, 2020 and revised July 1, 2020 consisting of the following sheets: Sheet LU-1 Layout & Utilities dated June 1, 2020 revised July , 2020; GD-1 Grading & Drainage dated June 1, 2020 revised July , 2020; EC-1 Existing Conditions dated June 1, 2020 and ND-1 Notes & Details dated June 1, 2020 revised July 1, 2020.

FEES: \$1,220.00 plus advertising and abutter notification.

CIRCULATION OF APPLICATION TO OTHER BOARDS: Assessor, Board of Health, Fire Department, Highway Department, Water Department, Building Inspector, Conservation Commission, Historical Commission, Police Department, Town Engineer, and Town Clerk on June 14, 2020. Responses were received from the Police Chief and the DPW/Town Engineer.

PROJECT NARRATIVE

The Applicant is requesting Major Site Approval to re-use the former Conway Chevrolet Dealership for a retail landscaping facility. The 2.15-acre site is located within the Commercial Zoning District. The proposed use is allowed by right. Major Site Approval is required because the building is greater than 3,000 sq. ft. and there are more than 6 parking spaces.

The existing 11,639 sq. ft. building will be re-occupied with no significant changes to the exterior of the building. Parking will be provided for 53 vehicles. Landscaping materials will be stored in bins. Portions of the existing gravel parking area will be repaved for an overall increase in impervious surfaces of approximately 13,000 sq. ft. The Applicant is proposing to use porous pavers for approximately 10,000 sq. ft. Onsite drainage facilities are included so that there will be no net increase in the rate of stormwater runoff under all storm events. Stormwater quality will be enhanced through the use of deep sump catch basins. Runoff from the roof will be captured and stored on-site to be used to water the landscaping.

FINDINGS

Upon the close of the public hearings, the Planning Board made the following findings of fact regarding this application: The Board finds that the Zoning By-Law's criteria for the issuance of a special permit are satisfied by the Application. More specifically:

1. The Major Site application meets the criteria noted in the Town of Pepperell Zoning Bylaw sections 9400.

2. The proposed use will not impair the integrity or character of the Commercial Zoning District nor be detrimental to the health or welfare of residents or the natural environment.
3. The proposed use meets the needs of the community and will not have a negative impact on community character.
4. The proposed use will not cause or create undue traffic congestion or traffic safety issues.
5. The beneficial impacts to the Town outweigh any adverse effects of the proposed use.

DECISION

The Board **GRANTS** Major Site Plan approval subject to 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 Permit and the Plans 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 Permit. No building permits shall be issued until proof of recording has been received.
3. Any and all deeds for this property at shall specifically refer to the conditions contained in this decision and shall contain reference to the Book and Page filing information of this Permit.
4. The Applicant shall conform to all necessary local, state, and/or federal application and permitting requirements. This shall include, but not be limited to, the Pepperell Conservation Commission and the Pepperell Fire Department for a fuel storage license.
5. The Tucker Street access shall be restricted to use solely by employees and emergency vehicles. Appropriate signage shall be added.
6. Details of the proposed building lights, flagpole lights, and signage/arbor lighting shall be provided to the Town Planner for review and approval.
7. Details of the proposed fuel storage tank shall be reviewed and approved by the Pepperell Fire Department.
8. The Applicant shall confirm whether a Pollution Prevention Permit is required.
9. If during judicial review, any condition stated herein is declared null and void, the remaining conditions shall apply.

10. This 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.
11. The conditions of this Permit may be amended by the Planning Board upon the filing of an application for a modification of the Permit, which shall be acted upon by the Planning Board in the same manner as provided for the Planning Board Rules and Regulations for Special Permits and Site plan.

This decision is subject to appeal in accordance with M.G.L. Ch. 40A, Sec. 17

A copy of the MAJOR SITE PLAN APPROVAL 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 of 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 Board Administrator.