



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: SP2020-02

APPLICANT: Peter Montesanti, 8 Nissitissit Lane, Pepperell, MA

LOCATION OF PROPERTY: 25- 33 Pierce Street, Map 10, Section 28, Lot 6; Section 32 Lot 3;
Section 30, Lot 5

OWNER OF PROPERTY: Same as Applicant

DATE OF DECISION: July 6, 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 24th day of July, 2020.

PLANNING BOARD: Lisa Davis
Lisa Davis, Consultant to the Planning Board

RIGHT TO APPEAL

Appeals of 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: B Montesanti DATE: 8/17/2020



Town of Pepperell Planning Board

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SPECIAL PERMIT DECISION

FILE: SP2020-002

APPLICANT: Peter Montesanti, 8 Nissitissit Lane, Pepperell, MA

LOCATION OF PROPERTY: 25- 33 Pierce Street, Map 10, Section 28, Lot 6; Section 32 Lot 3; Section 30, Lot 5

OWNER OF PROPERTY: Same as Applicant

DATE OF DECISION: July 6, 2020

STATEMENT OF FACTS:

- Application Submitted to Planning Board: April 6, 2020
- Applicable Sections of the Zoning Bylaw, Town of Pepperell, Massachusetts, September 17, 2001, as amended: 6200 and 9320.
- Dates of Published Notice of Hearing: May 1 and May 8, 2020 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 May 1, 2020.
- Date(s) of Hearing: May 18, 2020, June 1, 2020, June 15, 2020
- Planning Board Members present at all Hearings: Casey Campetti, Albert Patenaude and Charles Walkovich.
- Planning Board Member Joe Lonergan attended the hearings on May 18, 2020 and June 15, 2020 but missed the hearing on June 2, 2020. He confirmed that he watched a recording of the meeting.
- Associate Member Joyce Morrow missed the hearing on May 18, 2020 but attended the hearing on June 2, 2020 and June 15, 2020 and confirmed that she watched a recording of the meeting.
- Contents of the Application:

- Certified List of Parties in Interest Form
- Special Permit Application
- Request of Waivers Form
- Plans prepared by Cornerstone Land Consultants LLC titled *Benjamin Chamberlin Common Driveway in the Town of Pepperell, Middlesex County* dated April 7, 2020 revised June 26, 2020 consisting of the following sheets: Sheet PP-1 Common Driveway Plan and Profile dated April 1, 2020 revised June 26, 2020; SP-1 Overall Site Plan dated April 1, 2020 revised June 26, 2020; DNS-1 Common Driveway Details, Notes and Sections dated April 1, 2020 revised June 26, 2020; Plan of Land Dated November 8, 2018 revised November 20, 2019.

FEES: \$2700.00 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, Police Department, Town Engineer, and Town Clerk on April 10, 2020.

PROJECT NARRATIVE: The Applicant is requesting a Special Permit to construct a Common Drive off Pierce Street, which is a town road. The Common Drive will extend for 1,239 Linear Feet and will provide access to four (4 lots). The Common Drive will be constructed in accordance with the Town standards for Common Driveways set forth in Section 6220 of the Pepperell Zoning bylaw. The 4 lots will be serviced by private wells and onsite septic systems. Electricity will be provided by underground service to lots 3, 6,7 and 8.

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 Common Drive application meets the criteria noted in the Town of Pepperell Zoning Bylaw sections 6200 and 9320.
2. The Common Drive will not impair the integrity or character of the Town Recreational Residence District nor be detrimental to the health or welfare of residents or the natural environment.
3. The Common Drive will not have a negative impact on community character.
4. The Common Drive 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 Common Drive.

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 Common Drive Special Permit shall be recorded at the Middlesex South Registry of Deeds prior to the issuance of any other building permits. Proof of recording shall be provided

to the Town Clerk, as stated in the Notice of Decision for this Special Permit. No additional permits shall be issued until proof of recording has been received.

3. Deeds for the four lots 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 name of the Common Drive has been selected from the list of approved names and shall be called "Benjamin Chamberlin Common Drive". The Assessor shall assign appropriate street addresses to the lots.
5. The Applicant shall conform to all necessary local, state, and/or federal application and permitting requirements.
6. If during judicial review, any condition stated herein is declared null and void, the remaining conditions shall apply.
7. 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.
8. 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.
9. The Planning Board members or their agents, including the Town Engineer / DPW Director and Highway Superintendent, shall have the right to enter the Common Drive to evaluate the compliance of this decision at their discretion.
10. The Common Drive shall be 1,239 LF and shall provide direct access to three (3) of the four (4) lots. All 4 lots shall share in the expenses to maintain the Common Drive.
11. The Applicant shall install granite property boundary monuments denoting property taken by the Town of Pepperell in January 2001 at the end of Pierce Street.
12. The Town of Pepperell intends to construct a cul de sac at the end of Pierce Street within the Town right-of-way. The Applicant shall be responsible for designing this cul de sac in consultation with the Town Engineer and Applicant shall contribute to its cost. The Applicant's share of the construction cost shall be the equivalent of the cost of constructing a "T" turnaround. The Town Engineer shall determine this cost based upon an estimate provided by the Applicant's engineer. These funds shall be deposited in an escrow account prior to the issuance of an occupancy permit for Lot 6 and Building Permits for Lots 7 and 8. The Town shall use these funds to construct the cul de sac within two (2) years of the granting of the Special Permit but may seek an extension from the Planning Board for an additional two (2) years. If the cul de sac has not been constructed within this time period, the Applicant may request to receive a return of its funds held in escrow and the Town shall return said funds and may request that the Applicant construct the "T" turnaround.

13. The Common Drive shall meet a minimum gravel base of 12" and two courses of bituminous concrete with a total thickness of three inches.
14. A draft document providing for restrictive covenants and easements binding present and future owners for the four (4) lots as served by the Common Drive shall be submitted to the Planning Board for review and approval. The document shall include specific standards for the maintenance of all structures designed to meet the requirements of a Common Drive Special Permit, including but not limited to the travel way, drainage system and signage; provisions for allocating responsibility for maintenance, repair and/or reconstruction of the common driveway, drainage system and drainage; text of proposed easements including the metes and bounds description and a procedure for the resolution of disagreements. Upon approval this document along with the Special Permit shall 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 drive.
15. The Common Drive shall be substantially completed prior to the issuance of building permits for new buildings to be serviced by the Common Drive, or prior to issuance of occupancy permits for existing buildings to be serviced by the Common Drive, unless the Common Drive is secured by a bond. Completion shall be verified by submittal of as-built drawings requiring approval by the Planning Board. The Common Drive can be constructed in two phases with Phase I subject to the receipt and approval of a Phasing Plan by the Town Planner and Town Engineer.
16. The conditions of approval in this Special Permit may be amended by the Planning Board upon the filing of an application for a modification of the Special Permit, which shall be acted upon by the Planning Board in the same manner as provided for in the Planning Board Special Permit Rules & Regulations for all special permit petitions.
17. The homes that will be constructed on Lots 7 and 8 will be internally sprinklered.

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

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 Board Administrator.