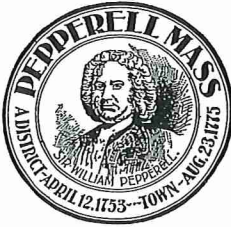


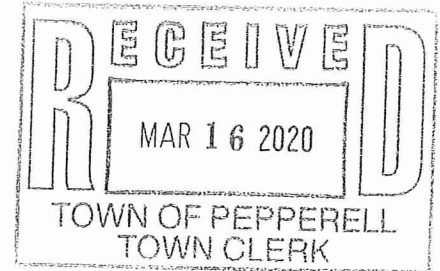
COPY

SCANNED



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

NOTICE OF DECISION



ZBA File No: 2019-07

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


To: Steven A. and Barbara A. Bourdon

For: Variance

Property Located at: 4 Powhatan Road, Pepperell, MA, as shown on Assessor's Map 39, as Parcel 47-0.

Owned by: Steven A. and Barbara A. Bourdon

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 16th day of March 2020:

Zoning Board of Appeals: 
Cheryl Lutoza, 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.

Brynn Montesanti, 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 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: 2019-07-Variance: 4 Powhatan Road



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

DECISION

APPLICATION #: 2019-07

APPLICANTS: Steven A. and Barbara A. Bourdon

OWNER OF PROPERTY: Steven A. and Barbara A. Bourdon

LOCATION OF PROPERTY: 4 Powhatan Road

RELIEF REQUESTED: Variance

DECISION OF BOARD: Granted

DATE OF DECISION: March 4, 2020

STATEMENT OF FACTS:

Application submitted to Town Clerk: December 31, 2019

Cited Section(s) of the Zoning Chapter of the Code of the Town of Pepperell and any other applicable Zoning Law: 9220, 9222 and 4140.

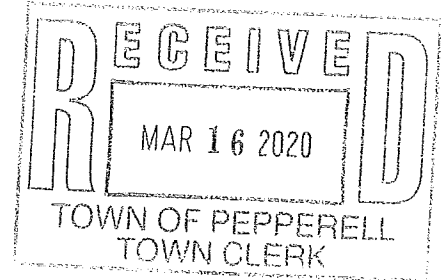
Application copied to the Assessor's Office, Building Inspector, Planning Board, Conservation Commission, Pepperell Police Department, Pepperell Fire Department, DPW Director, Highway Department, Board of Health, Water Department, Sewer Department, Communications Director, Treasurer/Collector, Historical Commission and Town Counsel: December 31, 2019

Dates of published Notice of Public Hearing: February 14, 2020 and February 21, 2020 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 12, 2020.

Date of Public Hearing: March 4, 2020

Board of Appeals Members present at Public Hearing of March 4, 2020: Mark Walsh, Annette McLean and Sean McCaffery. Also present: Cheryl Lutzca (Assistant to Zoning Board of Appeals). Associate Board of Appeals Member, Alan Leao, Jr., was not present at the hearing.



CONTENTS OF TOTAL APPLICATION:

Exhibit A:	Certified List of Abutters – November 20, 2019
Exhibit B:	New Application Memo to ZBA Members – December 31, 2019
Exhibit C:	New Application Memo to Town Boards/Departments – December 31, 2019
Exhibit D:	Response from Treasurer-Collector – December 31, 2019
Exhibit E:	Response from Conservation Commission – December 31, 2019
Exhibit F:	Response from Highway Department – December 31, 2019
Exhibit G:	Response from Historical Commission – January 15, 2020
Exhibit H:	Response from Board of Health – January 18, 2020
Exhibit I:	Response from DPW Director – December 31, 2019
Exhibit J:	ZBA Agenda for March 4, 2020 (posted on 1/22/20)
Exhibit K:	Response from Assessor's Office – December 31, 2019
Exhibit L:	Notice of Public Hearing/Legal Ad – March 4, 2020
Exhibit M:	Revised ZBA Agenda for March 4, 2020 (posted on 2/19/20)
Exhibit N:	Hearing and Fees Letter to Applicant – February 19, 2020
Exhibit O:	Legal Ad Copy from the Nashoba Valley Voice – February 14, 2020
Exhibit P:	Response Memo to ZBA from C. Luteza – February 26, 2020
Exhibit Q:	Legal Ad Copy from Nashoba Valley Voice – February 21, 2020
Exhibit R:	Hearing Attendance Sheet – March 4, 2020

FEES:

Applicant(s) paid to the Town of Pepperell (1) a filing fee of \$115.00; (2) a postage fee in the amount of \$34.20, to notify Parties in Interest of the Public Hearing and Decision; and (3) a fee to the "Nashoba Valley Voice" in the amount of \$279.84, for the legal advertising of the public notices.

STATEMENT OF CASE:

The Board of Appeals conducted a public hearing on March 4, 2020, regarding an application submitted by Steven A. Bourdon and Barbara A. Bourdon, requesting a Zoning Board of Appeals **VARIANCE**, under Sections 9220 and 9222 of the Town of Pepperell Zoning By-Law, which, if granted, would allow a Variance of 18-feet from the side yard setback requirement of 30 feet (as applicable under Section 4140), to allow for the installation of an open carport over the existing driveway, the proposed carport to be 12 feet by 30 feet in size and attached to the roof of the existing garage. Subject property is located at 4 Powhatan Road, Pepperell, MA, as shown on Assessor's Map 39 as Parcel 47-0. Applicants, Steven A. Bourdon and Barbara A. Bourdon, were present at the hearing and addressed the Board regarding the relief being requested. Abutters were not present at the hearing. One member of the public was 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 March 4, 2020.

FINDINGS:

1. The subject property is located at 4 Powhatan Road, Pepperell, MA, as shown on Assessor's Map 39 as Parcel 47-0.
2. The property is located in the Rural Residence District.
3. Abutters were not present at the hearing.
4. One member of the public was present at the hearing.
5. Subject property is serviced by a private well (per DPW Office).
6. Subject property is serviced by a private septic system (per Board of Health).
7. Installation of an open carport on the opposite side of the garage would involve substantial hardship.
8. Compliance with the Town of Pepperell Zoning By-law, due to circumstances particular to the land, relating to shape, would create a substantial hardship.
9. 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 Applicants 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 Applicants 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 9220 and 9222 of the Town of Pepperell Zoning By-Law, may be **granted** to allow a Variance of 18-feet from the side yard setback requirement of 30 feet (as applicable under Section 4140), to allow for the installation of an open carport over the existing driveway, the proposed carport to be 12 feet by 30 feet in size and attached to the roof of the existing garage. Subject property is located at 4 Powhatan Road, Pepperell, MA, as shown on Assessor's Map 39 as Parcel 47-0, 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.

DECISION:

Based on the foregoing findings and conclusions, the Board **grants** the requested relief, a VARIANCE, under Sections 9220 and 9222 of the Town of Pepperell Zoning By-Law, to allow a Variance of 18-feet from the side yard setback requirement of 30 feet (as applicable under Section 4140), to allow for the installation of an open carport over the existing driveway, the proposed carport to be 12 feet by 30 feet in size and attached to the roof of the existing garage. Subject property is located at 4 Powhatan Road, Pepperell, MA, as shown on Assessor's Map 39 as Parcel 47-0.

So decided this 4th day of March 2020 by roll call vote as listed:

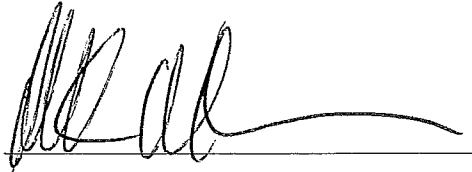
Mark Walsh: Aye

Annette McLean: Aye

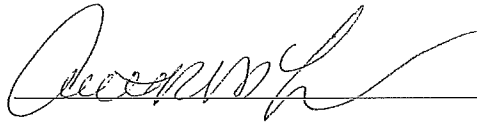
Sean McCaffery: Aye

CERTIFICATIONS:

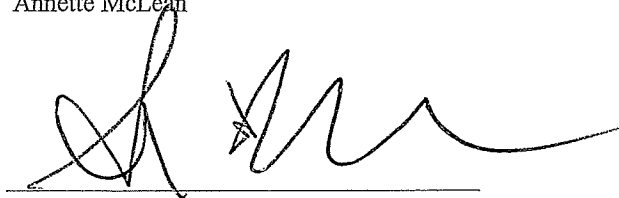
We, the undersigned members of the Board of Appeals of the Town of Pepperell, certify that we attended and participated in all of the hearings, the decision and the order of the above matter, that said hearings and decision were made at public meetings of the Board and that we made the foregoing decision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



Mark Walsh



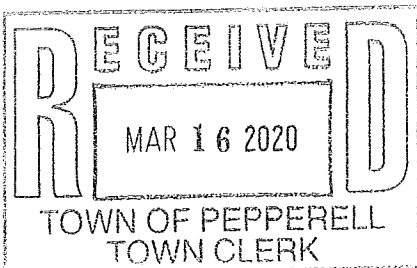
Annette McLean



Sean McCaffery

ASSISTANT TO THE BOARD OF APPEALS:

A copy of this decision was transmitted to the Town Clerk on: March 16, 2020



Cheryl Lutzka, Assistant to the Board of Appeals