

# Town of Pepperell Planning Board

1 Main Street, Pepperell, Massachusetts 01463-1644  
978-433-0336 Phone 978-433-0338 Fax

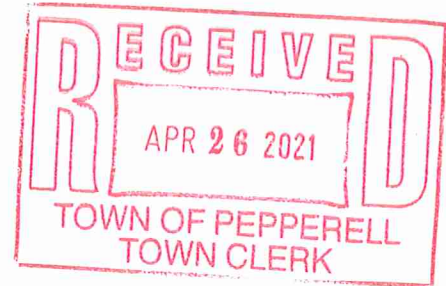
[planning@town.pepperell.ma.us](mailto:planning@town.pepperell.ma.us)

## NOTICE OF DECISION

**FILE:** SP-2021-02

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

Jeffrey A. Chabot  
7 Powhatan Dive  
Pepperell, MA 01463



**LOCATION OF PROPERTY:** 6 Scotch Pine Farm Way (Lot 7B), Pepperell, MA. Map 34, Parcel/Lot 35-8

**OWNER OF PROPERTY:** Michael & Donna Quintal  
134 River Road  
Pepperell, MA 01463

**DATE OF DECISION:** April 5, 2021

**ACTION:** Granted with Conditions. The Decision of the Planning Board is on file with the papers on this matter in the Office of the Town Clerk

Certified this 26 day of April, 2021.

PLANNING BOARD: Lisa Davis  
Lisa Davis, Planning Board Consultant

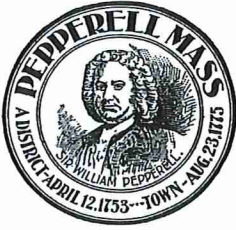
### RIGHT TO APPEAL

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.

TOWN CLERK: \_\_\_\_\_ DATE: \_\_\_\_\_



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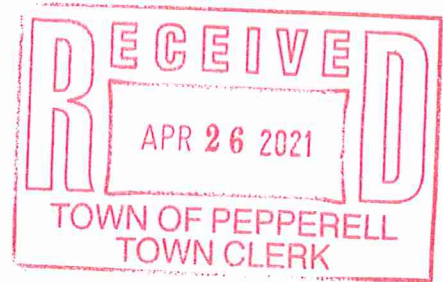
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## SPECIAL PERMIT DECISION

**FILE:** SP-2021-02

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

Jeffrey A. Chabot  
7 Powhatan Drive  
Pepperell, MA 01463



**LOCATION OF PROPERTY:** 6 Scotch Pine Farm Way (Lot 7B), Pepperell, MA. Map 34, Parcel/Lot 35-8

**OWNER OF PROPERTY:** Michael & Donna Quintal  
134 River Road  
Pepperell, MA 01463

**DATE OF DECISION:** April 5, 2021

### **STATEMENT OF FACTS:**

- a. Application submitted to the Planning Board on January 27, 2021
- b. Applicable Sections of the Zoning Bylaw, Town of Pepperell, Massachusetts, September 17, 2001, as amended: Two Family Dwelling Section 3130 & 9300, Appendix A.
- c. Dates of Published Notice of Hearing: February 26, 2021 and March 5, 2021 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 on February 24, 2021

- e. Date(s) of Hearing: March 15, 2021 and April 5, 2021.
- f. Planning Board Members present at the Public Hearing on March 15, 2021: Casey Campetti, Albert Patenaude, Charles Walkovich, Joyce Murrow, and Associate Member Jennifer Gingras. Board members present on April 5, 2021: Casey Campetti, Charles Walkovich, Joyce Murrow and Associate Member Jennifer Gingras. Casey Campetti designated Associate Member Gingras as a voting member for this application.
- g. The Application was submitted with a Site Plan and Existing Conditions plan prepared by J.A. Visniewski, L.L.C. dated 12/14/20, a copy of Appendix A, a request for waivers form, a Certified Abutters list, and a filing fee of \$250 for the Special Permit Application fee. The applicant has subsequently been invoiced by the Town of Pepperell in the amount of \$16.64 for postage and \$258.72 for the legal advertising of the public hearing notice.
- h. The Applicant is seeking a waiver from Requirement #10 which requires the plan to show existing buildings, septic systems, and wells on adjacent properties.
- i. On January 27, 2021, the Application was circulated to the Assessor, Board of Health, Building Inspection/Zoning Officer, Conservation Commission, Historical Commission, DPW/Highway Department, DPW/Water & Sewer Department, DPW Director/Town Engineer, Tax Collector, Police Chief, and the Fire Chief.
- j. Responses were received from the Town Engineer, the Planning Board Consultant, DPW Highway Department, Board of Health, Conservation Commission, Historical Commission, Fire Department and Assessor's Office.
- k. The Applicant submitted floor plans and building elevations prepared by Giattino Designs last revised 2-19-21.
- l. A revised site plan dated 4-7-21 was submitted on April 9, 2021. This plan addressed comments made by the Planning Board and the Conservation Commission.

**PROJECT NARRATIVE:**

The property is shown on a plan entitled "Special Permits and Wetland Submissions Site Lots 7A & 7B, Scotch Pine Farm Way, Pepperell, MA" prepared by J.A. Visniewski dated September December 14, 2020. The Applicant is seeking a Special Permit to construct a two-family dwelling on a site located in the Town Residence zoning district. The site is currently subject to a Common Drive Special Permit and an Order of Conditions from the Conservation Commission. Two Special Permits were granted in 2019 to construct 2-family homes on Lots 3A and 6A. The proposed two-family dwelling meets the front, rear and side setbacks as required by the Town of Pepperell Zoning Bylaw and is not located in a Federal flood hazard area. The plan shows that no work will be done within areas under the jurisdiction of the MA Wetlands Protection Act and Pepperell's Wetlands Protection Bylaw. Town water is available for this property. The design of the sewage disposal system will be submitted to the Board of Health for review and approval.

## **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 are in harmony with the general purposes and intent of the Pepperell Zoning Bylaw.
2. The proposed project complies with the general and specific findings set forth in the zoning bylaw.
3. The proposed project will not impair the integrity or character of the Town Residence Zoning District nor be detrimental to the health or welfare of residents or the natural environment.

## **DECISION:**

The Board **GRANTS** this Special Permit 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 Two Family 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 and Building Department, 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. The request for the Waiver from Requirement #10 was granted.
4. 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 Drive, and the Condominium documents must be recorded at the Registry of Deeds and shall be recited in and attached to every deed to every lot served by the Common Drive.
5. Prior to the receipt of an occupancy permit, the Common Drive must be constructed or bonded in accordance with SP-2018-03.
6. Primary access to this lot shall only be from the Common Drive. During construction, the only allowed use of the Shirley Street access will be limited to the water line construction.
7. All utilities shall be provided by underground service.
8. Each unit will be required to have separate water service, shut off and water meter.
9. If the Pepperell Director or Department of Public Works or the Conservation Agent determines that the culvert under the driveway that services Lot 7B needs to be repaired or reconstructed, the Condominium Association shall undertake this repair or reconstruction in a timely manner and shall bear the sole cost and expense to repair or reconstruct this culvert.

10. 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 recording information of this Special Permit.
11. The Applicant shall conform to all necessary local, state, and federal application and permitting requirements including but not limited to the Pepperell Board of Health and the Pepperell Conservation Commission. Prior to the receipt of a building permit, the Applicant shall obtain approval from the Board of Health for the shared septic system.
12. The structure must be constructed in accordance with the building plans and elevated prepared by Giattino Designs last revised 2-19-21.
13. If, during judicial review, any condition stated herein is declared null and void, the remaining conditions shall apply.
14. This Special Permit shall lapse after two (2) years from the grant thereof if substantial construction thereunder has not begun, except for good cause. The Planning Board shall determine what constitutes substantial construction. Such approval may, for good cause, be extended in writing by the Planning Board upon the written request of the Applicant. Such request must be received ninety (90) days prior to the expiration of the two-year period.

15. The Building Inspector/Zoning Officer shall enforce all conditions stated in this decision. If the Building Inspector/Zoning Officer determines that the use of the property is in violation of the conditions of this Special Permit he may: (1) impose a penalty, as provided for in the Zoning Bylaw; (2) demand that all construction or operational activities shall cease until the property and its use have been brought into conformance with this Special Permit; and/or (3) notify the Planning Board that there is a violation of the conditions of this Special Permit, which may result in action by the Planning Board to revoke the Special Permit.
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 applications.
17. 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.

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 site plan shall be distributed by the Planning Board 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.