



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: SP-2021-03

APPLICANTS: Joanne Smith
23 Cranberry Street
Pepperell, MA 01463



LOCATION OF PROPERTY: 66 Hollis Street, Pepperell, MA. Map 15, Parcel/Lot 70

OWNER OF PROPERTY: Pepperell Aid From Community To Home Outreach, Inc.
66 Hollis Street
Pepperell, MA 01463

DATE OF DECISION: May 17, 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 20th day of May, 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: B. Mera **DATE:** 6/23/2021



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SPECIAL PERMIT DECISION

FILE: SP-2021-03

APPLICANT: Joanne Smith
23 Cranberry Street
Pepperell, MA 01463

LOCATION OF PROPERTY: 66 Hollis Street, Pepperell, MA. Map 15, Parcel/Lot 70

OWNER OF PROPERTY: Pepperell Aid From Community To Home Outreach, Inc.
66 Hollis Street
Pepperell, MA 01463

DATE OF DECISION: May 17, 2021

STATEMENT OF FACTS:

- a. Application submitted to the Planning Board on April 1, 2021
- b. Applicable Sections of the Zoning Bylaw, Town of Pepperell, Massachusetts, September 17, 2001, as amended: Signs Section 5350.
- c. Dates of Published Notice of Hearing: April 30, 2021 and May 7, 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 April 29, 2021
- e. Date(s) of Hearing: May 17, 2021.
- f. Planning Board Members present at the Public Hearing on May 17, 2021: Casey Campetti, Charles Walkovich, Joyce Morrow, Paul J. Lonergan, and Jennifer Gingras. Casey Campetti designated Associate Member Gingras as a voting member for this application. Albert Patenaude recused himself because he is an abutter.

- g. The Application was submitted with a Plan showing the proposed location of the sign and a drawing of the Proposed Sign prepared by Alphagraphics, Inc., Shirley, MA and 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 \$17.81 for postage and \$295.68 for the legal advertising of the public hearing notice.
- h. On April 8, 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.
- i. Responses were received from seven with no comment.
- j. A memo from Lisa Davis, Pepperell Planning Consultant dated May 11, 2021 expressed concern with the proposed external lighting.
- k. On May 17, 2021, the Applicant submitted a revised drawing prepared by Alphagraphics showing the location of the proposed lighting on top of the sign.

PROJECT NARRATIVE:

The Applicant is proposing to install a sign in the front of the building located at 66 Hollis Street. The site is located in the Rural Residence District which only allows for a maximum size sign of 6 sq. ft. Section 5350 of the Pepperell Zoning bylaw allows the Planning Board, by special permit, to authorize larger signs upon a determination that said sign will not result in a substantial detriment to the neighborhood or the town. The Applicant is proposing a sign of 32 sq. ft., located 10 feet above grade. The proposed sign will be set back 25 feet from the front property line.

FINDINGS:

Upon the close of the public hearing, 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 Rural 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 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 permit or sign permit shall be issued until proof of recording has been received.
3. The height of the sign including all attachments and appurtenances shall not exceed 8 feet as measured from grade.
4. The proposed lighting shall be mounted on top of the sign and be of an appropriate angle and fully shielded so that no lighting will spillover onto adjacent properties.
5. The correlated color temperature (CCT), measured in Kelvin (K), of the light shall not exceed 2700 K. The warmest possible color temperature (lowest Kelvin value) should be chosen.
6. The lighting shall be on a timer and shall be programmed to turn on at dusk and turn off no later than 9:00 PM.
7. Details of the proposed lighting shall be submitted to the town planner for review and approval prior to the issuance of a sign permit.
8. If, during judicial review, any condition stated herein is declared null and void, the remaining conditions shall apply.
9. This Special Permit shall lapse after two (2) years from the grant thereof if the sign has not been installed.
10. 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.
11. 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.
12. 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.