



Town of Pepperell

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MEMORANDUM

By: Jennifer Gingras, Town Planner
To: Casey Campetti, Planning Board Chair
CC: Planning Board Members
Date: January 14, 2022
RE: January 18, 2022 Planning Board Meeting

Plan Endorsement: ANR: 4 Mason Street (Clark's Retirement Park, LLC)

I. Petition Description

Type of Petition: Approval Not Required (ANR)
Project Address: 4 Mason Street (Map 20, Lot 100)
Property Owner: Clark's Retirement Park, LLC
4 Mason Street, Pepperell, MA 01463
Applicant: Clark's Retirement Park, LLC
Zoning: TR (Town Residential)
Site Plan Dated: November 15, 2021

II. Description of Request:

The applicant is requesting that the Board review the above-referenced plan and determine if it meets the criteria for Approval Not Required (ANR) endorsement. The ANR refers to "approval not required under the Subdivision Control Law". In order to endorse the plan, the Board must make a determination that the proposed plan does not constitute a subdivision.

The review of an ANR plan by the Planning Board does not require a public hearing. If the Board finds that the plan does not constitute a subdivision, as defined in Section 81L, it must immediately endorse the plan "approval not required under the Subdivision Control Law" or words of similar import.

The general requirements for determining if a subdivision is not being created by the proposed action are:

- a) The lots shown on the plan must front on one of three types of ways specified in M.G.L. Chapter 41, Section 81L (details in Exhibit "B").
- b) A Planning Board's determination that the vital access, as contemplated by M.G.L.

Chapter 41, Section 81M exists (details in Exhibit "B").

- c) The lots shown on the plan meet the minimum frontage requirements of the Pepperell Zoning By-laws (Table 1). This is consistent with Chapter 41, Section 81L, MGL

The applicant received a Variance from the Zoning Board of Appeals on November 3, 2021, and recorded on January 13, 2022 to allow lot 1 to have a lot area of 60,293 sq. ft. instead of the required 80,000 sq. ft.

III. Internal Review

The Town Engineer (DPW), Building Commissioner, Police Department, Property Assessor and Fire Department have reviewed the application and do not have objections.

IV. Action Required

The Board must make a determination that subject plan does not constitute a subdivision and entitled to ANR endorsement based on the following criteria:

- a) The lots shown on the plan fronts on one of three types of ways as specified in M.G.L. Chapter 41, Section 81L.
- b) The lots depicted meet the minimum frontage requirements of the Pepperell Zoning By-laws.
- c) The Planning Board has determined that vital access exists to such lots as required by M.G.L. Chapter 41, Section 81M.

Action Item: 33-35 Hollis Street – Review of Final As-Built Plan

I. Description

Project Address: 33 & 35 Hollis Street (Map 22, Lot 30)
Applicant: New View Remodeling & Construction
151 Brigham Street
Dracut, MA 01826
Site Plan Dated: December 14, 2021

II. Description of Request:

The applicant is requesting review and approval of the site plans by the Planning Board, per Condition number 6 of the Planning Board Special Permit decision. The Planning Board issued a Special Permit on October 5, 2020 to allow a Multi-family Residential Development under Section 7300 of the Zoning bylaw. The final inspections for Units 2,3, and 4 were completed on July 29, 2021 and the applicant received the Certificate of Occupancies for those units. The final inspection for Unit 1 (the original house) was completed on December 9, 2021 and the applicant is planning on applying for the Certificate of Occupancy after receiving Planning Board approval for the Final As-Built.

III. Internal Review

The As-Built was reviewed by the Town Engineer (DPW), Fire Department, Police Department, Conservation Administrator, and Building Commissioner. Comments were received as follows:

Ken Kalinowski, Town Engineer: We (DPW) are OK with the utilities and access, and that is our primary concern. The engineer is certifying that the as built grades are essentially as proposed (which doesn't explain why they were designed/approved in the water table or the bizarre step/access issue in their garages), and the site drainage appears to function essentially as designed.

Paul Brinkman, DPW Business Manager: I verified the recorded easement as shown on the plans. I assume there are HOA documents that cover the utilities as DPW will have no authority over the private water, sewer and drain systems on the property. I believe everything else commented on is complete as anticipated.

Fire Department: No Comments.

Police Department: No Comments.

Building Commissioner: No Comments

Conservation Administrator: review attached.

Matt Dusenberry, with Land Engineering & Environmental Services, Inc. responded to Staff's request for information related to the difference in the proposed and actual elevations with the following:

As for the elevation difference, Greg informed me that during construction water was encountered while digging the Unit footings and the Towns building inspector requested that the footings be constructed above the water elevation. However, it doesn't appear the buildings were raised too much higher than the proposed elevations. The approved plan set does not list the top of foundation elevation but it is typically a foot or so below the finished floor elevation, which is listed. Please see the table below with the top of foundation and garage floor elevations for the proposed and as-built conditions.

<u>Unit</u>	<u>Top of Foundation</u>		<u>Garage Floor</u>	
	<u>Proposed</u>	<u>As-built</u>	<u>Proposed</u>	<u>As-built</u>
#2	223.0+/-	223.5	221.5	220.9
#3	223.0+/-	223.5	221.5	220.8
#4	223.0+/-	224.0	221.5	220.7

As shown in the table, Units #2 & 3 were raised roughly 0.5 feet and Unit #4 was raised roughly a foot. The garage floor elevations for each unit were actually lowered from proposed, Unit #4 being the most at 0.8 feet lower, allowing for less steep driveways.

IV. Staff Review

The Final As-built Plan and subsequent e-mails from the developer revealed differences in the proposed and actual elevations of the structures. I visited the site on Wednesday, January 12, 2022 with Paula Terrasi, Conservation Administrator, and Gregg Looney, the

Developer for the Site. During the site visit, Mr. Looney explained that these changes to the elevations were a result of high groundwater levels. Mr. Looney said that he had discussed the high groundwater levels with the former building inspector, Bob Kelly, on site during a footing inspection and was told to raise the elevations. However, he did not submit new plans to the Building Department or to the Planning Board for review. This change to the elevations required the addition of a platform as you enter the garages from the homes, which some residents have complained reduces their garage space and subsequently the ability to fit their vehicles in the garage space.

On July 26, 2021, Paul Brinkman, DPW Business Manager, had provided a memorandum to the Planning Office with observations about the site. The memorandum is attached for reference. The applicant has indicated that he is in compliance with all items in the memo. Additionally, the sewer easement and condominium documents are recorded with the Registry of Deeds.

V. Action Items

- a) Finding that the Final as-built drawing is in compliance with the approved site plans.