

TOWN OF PEPPERELL

SELECT BOARD

SPECIAL PERMIT APPLICATION

Date: _____

Name of Applicant: _____

Location of Subject Property: _____

Applicant is: Owner _____ Tenant _____ Licensee _____ Prospective Purchaser _____

Other (explain) _____

Applicable Section of Zoning Bylaw: _____

Nature of Application (please refer to required special permit findings, and attach additional Sheets if necessary): _____

Property Owner's Agreement (if applicant is not the owner of the property): As owner of the property, I am aware of and have agreed to the above request for a special permit and understand that, if granted, the special permit will be recorded with reference to my deed.

Signed: _____ **Date:** _____

Request for Hearing: I hereby request a hearing before the Select Board for a special permit and agree to pay all costs of mailing and advertising the notice of the Public Hearing and decision. I have read the Select Board's Special Permit Regulations.

Signature and Title: _____ **Date:** _____

Signature and Title: _____ **Date:** _____

Received from the above applicant the sum of: _____

RECEIVED BY THE TOWN CLERK:

Date: _____

Time: _____

Signature: _____

APPENDIX A
Consultant Fee Schedule

Table of Principal Uses	Type	Initial Deposit	Plan Requirements from Appendix B
Appendix A Residential	Boarding or lodging house in the Rural, Town, Recreational or Suburban Residence District	\$250.00	1-19
Appendix C Governmental or Institutional Uses	Cemetery in the Rural, Town, Recreational, Suburban or Urban Residence District	\$2,000.00	1-19
	Nonexempt commercial greenhouse in Town or Suburban Residence District	\$250.00	1-19
	Nonexempt dairy, poultry or livestock farm in Town or Suburban Residence District.	N/C	1-19
	Nonexempt farm or nursery in the Suburban or Urban Residence District		
	Nonexempt farm stand in the Rural, Town, Recreational, Suburban or Urban Residence, or Commercial district		
	Private club, lodge, organized camp or other non-profit social or recreational use in the Rural, Town, Urban or Suburban Residence District	\$250.00	1-19
Appendix D Commercial Uses	Restaurant in the Recreational or Urban Residence District	\$250.00	1-19
	Motor vehicle light service in the Town, Recreational or Suburban Residence, or Commercial or Industrial District		
	Motor vehicle general and body repair in the Commercial District	\$500.00	1-19
	Kennel in the Rural, Town, Recreational or Suburban Residence or Commercial District	\$500.00	1-19
	Animal clinic or hospital in the Rural, Town, Recreational or Suburban Residence or Commercial or Industrial District	\$500.00	1-19
	Nursing or convalescent home in the Commercial District		
	Funeral Home in the Town, Recreational, Suburban or Urban Residence District		
	Nonprofit club or lodge in the Rural, Town, Suburban or Urban Residence District	\$250.00	1-19
Appendix F Industrial Uses	Earth Removal in the Industrial District	\$3,000.00	1-19
Appendix G Other Uses	Open air display of goods or merchandise accessory to principal use in the Commercial District	\$500.00	1-19
Other Special Permits	Special permit for soil removal incidental to construction Zoning By-Law Sec. 6170	\$100.00	1-19

APPENDIX B

SPECIAL PERMIT PLAN REQUIREMENTS AND CROSS REFERENCE NOTATION

A required plan shall contain the following information unless clearly not applicable or waived upon applicant therefor. Please use this list; mark the correct column and submit with your application.

PLAN REQUIREMENTS	ON PLAN	NOT APPLICABLE TO THIS APPLICATION
1. North point, date, and scale	_____	_____
2. Name and address of record owner; name and address of applicant, attorney, engineer	_____	_____
3. The complete property lines of the entire property to which the application pertains	_____	_____
4. The public ways with their names abutting the property lines	_____	_____
5. The Zoning District in which the property lies	_____	_____
6. Locus showing the property lines of all parcels within 300 feet of the subject property and all property directly affected or impacted by proposal in question	_____	_____
7. Pepperell Assessors' Tax Map and Lot No. for the subject property	_____	_____
8. Identify any public or common areas within the property or on abutting properties	_____	_____
9. Note any existing recorded variances and/or special permits pertaining to the subject property or to any abutting property	_____	_____
10. Location, shape and size of all existing and proposed buildings, septic systems, and private wells on the subject property	_____	_____
11. Location of all existing buildings, septic systems and private wells on abutting properties	_____	_____
12. Location of the Base Flood Elevation on the property	_____	_____
13. Location of all easements, existing or proposed, pertaining to the property and copies of the text of existing or proposed documents, including but not limited to, deed restrictions, easements, restrictive covenants	_____	_____

PLAN REQUIREMENTS	ON PLAN	NOT APPLICABLE TO THIS APPLICATION
14. Location of all existing and pro-Dosed underground utilities on the property, including but not limited to, water, sewer, telephone, electrical, natural gas, or cable TV		
15. All existing and proposed storm water drainage systems and calculations pertaining to the property, including but not limited to, open ditches, natural waterways, water bodies, and underground piping and culverts		
16. The topography of the subject site in 2-foot contour intervals or a copy of the Septic Disposal System Plan for the site		
17. The location, size, and shape of all areas within the property used or to be used for parking or driveways		
18. Soil types on the property per the U.S. Soils Conservation Service detailed maps for the Town of Pepperell, 1974		
19. Certification of a Massachusetts Registered Professional Civil Engineer. Seal of registration, signature, name and address of the Land Surveyor registered in Massachusetts who prepared this plan		

SELECT BOARD
SPECIAL PERMIT

Certified List of Parties in Interest Form

Date: _____

Board of Assessors
Town Hall
Pepperell, MA 01463

Re: Tax Map # _____ Parcel # _____

The undersigned, being an applicant for approval of a special permit for the land referenced above, requests certification of the names and addresses of the parties in interest to this property as defined in Chapter 40A, §11: “the Petitioner, abutters, owners of land directly opposite on any public or private street or way, and abutters to the abutters within three hundred feet of the property line of the Petitioners as they appear on the most recent applicable tax list, notwithstanding that the land of any such owner is located in another city or town, the planning board of every abutting city or town.”

Signature of Petitioner

Address

TO: Pepperell Select Board

FROM: Pepperell Board of Assessors

This is to certify that at the time of the last assessment for taxation made by the Town of Pepperell, the names and addresses of the parties in interest to the parcel of land referenced above are as listed on the attached sheet(s).

Signature and Title

**SELECT BOARD
SPECIAL PERMIT
REQUEST FOR WAIVERS**

Date: _____

Select Board
Town Hall
Pepperell, MA 01463

Dear Members:

I request the waivers to the plan requirements in Appendix B as listed below along with the reasons for such request.

Signature of Petitioner/Agent

Waiver of requirement # _____ **because** _____

Waiver of requirement # _____ **because** _____

Waiver of requirement # _____ **because** _____

**SELECT BOARD SPECIAL PERMIT
RULES AND REGULATIONS – SELECT BOARD - SPECIAL PERMITS**

Adopted January 21, 1980
Revised February 27, 1980
Revised November 9, 1992
Revised January 11, 1993
Revised April 14, 2003

A. SPECIAL PERMIT GRANTING AUTHORITY

The Select Board shall be the special permit granting authority as authorized in the Zoning Bylaw of the Town of Pepperell, Massachusetts and shall hear and decide applications upon which it is empowered to act. These rules are promulgated in furtherance of and are subordinate to the provisions of M.G.L. and the Town's zoning bylaws. The authority for these rules is M.G.L. Chapter 40A §9.

B. ORGANIZATION

1. Chair. Powers and Duties. The Chair shall vote and be recorded on all special permits coming before the board. Subject to these rules, the Chair shall decide all points of order, unless overruled by a majority of the board in session at the time, and shall appoint such committees as may be found necessary or desirable on special permit related matters.
2. Clerk. The clerk of the Select Board shall be a member of the board, designated by the board. Subject to the direction of the board, the clerk shall supervise all of the clerical work of the board regarding special permits. In the absence of the Chair, the Clerk shall act as Chair.
3. Town Administrator. The Town Administrator, if one is appointed by the board, shall not be a member of the board and shall, subject to the direction of the board and the procedures stated herein, process all applications including keeping a record on Form SP, referring the applications, preparing and sending hearing notices, taking hearing and meeting minutes, drafting decisions and notifying petitioners and parties in interest of the decision.
4. Quorum. Three (3) members must be present for a quorum to hear and decide on a special permit.
5. Public Hearing. A public hearing shall be held on each application no later than 65 days from the date of the filing of the application with the Town Clerk. Notice of the hearing pursuant to the requirements of MGL Chapter 40A §11 shall be given to parties in interest by first class mail and shall be posted in Town Hall and published once a week for two consecutive weeks in a local newspaper generally distributed in Pepperell, and the first publication shall be at least fourteen (14) days prior to the date of the hearing.

C. APPLICATIONS TO THE BOARD

1. Application Form. Every application for action by the Select Board shall be made on the official forms attached to these regulations. These forms may be obtained in the Select Board's office or from the Town Clerk. Any communication purporting to be an application may not be treated as such until such time as it is filed as hereinafter provided.
2. Plan for Project. Each application and petition to the Board shall be accompanied by a plan, unless clearly not applicable. In the case of the submission of plans measuring greater than 11 inches by 15 inches it is required that 10 copies be submitted with the application form. Plans shall show the information required as listed in Appendix A and as described in Appendix B. Appendix B shall be cross referenced with the plans and submitted as part of the application.

3. Waiver of Plan Requirement. Strict compliance with the plan requirements in these rules and regulations may be waived at the public hearing, when, in the judgment of the Select Board, such action is in the public interest and not inconsistent with the intent of these regulations. The applicant shall submit a list of all waivers requested on the form provided at the end of these regulations, which list the applicant may later amend at the public hearing and which list the Board will act on at the public hearing.
4. Brief to the Board. It is recommended that every application for a special permit be supported by a brief statement, setting forth in detail all facts relied upon by the parties to support findings required for the particular special permit.

D. PROCEDURES

1. Filing. All applications shall be filed by the petitioner with the Town Clerk and a copy of said application, including the date and time of filing certified by the Town Clerk, shall be filed forthwith by the petitioner with the Select Board, together with the list of parties in interest certified by the Board of Assessors, the plans, copy of completed Appendix B and a non-returnable filing fee in the amount of \$100.00. In addition to the non-returnable filing fee, the applicant shall file an amount equal to twice the number of parties in interest times the then current U.S. Postal rate for first class mail payable to the Town of Pepperell plus the cost of advertising the public hearing; and pursuant to M.G.L. Chapter 44, §53G, the Select Board shall require a review deposit for the employment of outside consultants to assist the Select Board in reviewing complex proposals and making findings and establishing conditions thereon.
2. Referral. Upon receipt of an application, the Select Board shall, within fourteen (14) days thereof, refer the application to such other boards and officials as is required by Section 9300, and as it deems advisable.
3. Public Hearing.
 - a. A public hearing shall be held on each application as required by law with due allowance for referrals as may be required.
 - b. All hearings shall be open to the public. No person shall be excluded unless he/she may be excluded for good cause shown.
 - c. An applicant may appear in his own behalf, or be represented by an agent or attorney. In the absence of representations at the hearing by an applicant, the Board shall decide the matter relying on the information and evidence it has received.
 - d. The required time limits for a public hearing and said action may be extended by written agreement between the Select Board and the applicant to a date certain as provided in M.G.L. Chapter 40A. A copy of such agreement shall be filed in the office of the Town Clerk.
 - e. The order of business for a public hearing shall be as follows:
 - (1) Chair opens hearing.
 - (2) Select Board's clerk reads public notice of hearing.
 - (3) Chair reviews order and conduct of hearing and enters exhibits and written briefs.
 - (4) Applicant's presentation (if any).
 - (5) Select Board's clerk reads written comments received.
 - (6) Questions and comments from Select Board.

- (7) Questions and comments from other Town officials.
 - (8) Comments from those in attendance.
 - (9) Applicant's rebuttal and further representations.
 - (10) Board determination on waivers as to these rules, if any.
 - (11) Additional comments or questions.
 - (12) Board discussion, continuance to date certain, motions, etc.
 - (13) Close hearing or adjournment to time certain.
- f. Persons speaking at a public hearing are requested to:
 - (1) Identify self and address and party represented, if any.
 - (2) All comments and questions must be addressed to the Select Board.
 - (3) The Select Board Chair may limit repetitive comments.
 - (4) Courtesy and decorum are expected.
 - g. The record of the case shall include only matters submitted to the public hearing.
 - h. The Board will not attempt to keep a verbatim record but will accommodate (but not pay for) any person's stenographer, preferably with advance notice.

E. DISPOSITION BY THE BOARD

1. Record Requirements. No request for a special permit shall be granted unless and until the Board makes written findings with reference to zoning bylaw requirements. A record of the proceedings shall be made indicating the vote of each member upon each question, and setting forth clearly the reason for its decision and of its official actions, copies of all of which shall be filed in the office of the Town Clerk as required by law.
2. Voting Requirements. Grant of a special permit shall be a unanimous affirmative vote of three members of the Select Board.
3. Withdrawal. An application may be withdrawn without prejudice prior to the publication of the notice of the public hearing, but thereafter may be withdrawn without prejudice only with the approval of the Select Board.
4. Limitation on Grant. Special permits shall lapse if a substantial use thereof or construction thereunder has not begun, except for good cause, within 24 months following the filing of the special permit approval (plus such time required to pursue or await the determination of an appeal referred to in G.L. Chapter 40A, §17, from the grant thereof) with the Town Clerk.
5. Notice of Decision shall be given as required by M.G.L. Chapter 40A, §11. Copies of the Special Permit Decision shall be mailed, postage prepaid, to the applicant, owner if different from the applicant, the Town Clerk, Planning Board and the Building Inspector. Copies of the Notice of Decision shall be sent, postage prepaid, to the applicant, the Town Clerk, Planning Board and the Building Inspector, parties in interest and to every person present at the hearing who requested that notice be sent to him and stated the address to which such notice was to be sent.
6. Amendment of Conditions. The conditions of approval in a Special Permit which has been granted may be amended by filing an application for a special permit which shall be acted upon by the Select Board as if an original application.

7. Amendment of Regulations. The Select Board may from time to time amend these rules and regulations by an affirmative vote of a majority of the board. A true copy of these rules and regulations together with their most recent amendments shall be filed in the office of the Town Clerk and available in the office of the Select Board. These rules and any amendments shall be effective when duly voted and filed with the Town Clerk.
8. Filing Fees. A filing fee of \$100.00 shall accompany every application and is non-refundable. These fees are in addition to the cost of postage and advertising.

In addition, pursuant to M.G.L. Chap.44, §53G, the Select Board shall require a deposit of funds for the employment of outside consultants to assist the Select Board in reviewing complex proposals and making findings and establishing conditions thereon. The required deposits are set forth in Appendix A. The applicant shall be refunded the balance not required for such consultants, and may be required to make an additional deposit where warranted by the complexity of the project.