



Town of Pepperell

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MEMORANDUM

By: Jennifer Gingras, Town Planner
To: Casey Campetti, Planning Board Chair
CC: Planning Board Members
Date: March 4, 2022
RE: March 7, 2022 Planning Board Meeting

Action Item: Minor Site Plan Review (116 Main Street) - Dominoes

I. Petition Description

Type of Petition: Minor Site Plan Review
Project Address: 116 Main Street (Map 39, Lot 3,4, and 15)
Property Owner: KAB Properties, LLC, c/o Keith Bell
P.O. Box 1220, Lebanon, NH 03766
Applicant: KAB Properties, LLC (Dominoes)
Zoning: C (Commercial)

II. Description of Request:

This subject property is located at 116 Main Street, currently occupied by Dominoes. The applicant is requesting a Minor Site Plan Review to construct 4 new parking spaces and reconfigure the existing drive through stacking lane.

III. Staff Analysis

Section 9411 of the ZBL requires minor site plan approval for this petition. A Special Permit and Site Plan Review was issued by the Planning Board on June 12, 2001 when the building was converted from a bank use to a fast food use (Dunkin' Donuts). The Special Permit was previously granted for the drive-through use. A copy of the original decision is attached for reference. The occupant of the building is now Dominoes, also a fast food use, who is utilizing the same drive-through system. The applicant is requesting to maintain the existing use, but add 4 additional parking spaces and reconfigure the existing drive through stacking lane, which under Section 9411 would require a minor site plan review.

The applicant has submitted the following items with their application: Application and Request for Public Hearing, Appendix A, listing Plan requirements, Certified Abutters List, Plans entitled, "Parking Plans for Domino's Restaurant", dated February 9, 2022 and prepared by Allen & Major

Associates, Inc., lighting specifications, and a Site Lighting Plan, dated February 9, 2022, prepared by Allen & Major Associates, Inc.

Section 9460 of the ZBL provides the Site Plan approval process. A Site Plan approval shall be granted upon determination by the Planning Board that the plan meets the following objectives. The Planning Board may impose reasonable conditions at the expense of the applicant including performance guarantees, to promote these objectives. New building construction or other site alteration shall be designed in the site plan, after considering the qualities of the specific location, the proposed land use, the design of the building form, grading, egress points, and other aspects of the development, so as to:

- 9461. Minimize the volume of cut and fill, the number of removed trees 6" caliper or larger, the length of remove stone walls, the area of wetland vegetation displaced, the extent of stormwater flow increase from the site, soil erosion, and threat of air and water pollution;
- 9462. Maximize pedestrian and vehicular safety on the site, egressing from it, and in the immediate vicinity;
- 9463. Minimize obstruction of scenic views from publicly accessible locations;
- 9464. Minimize visual intrusion by controlling the visibility of parking, storage, or other outdoor service areas viewed from public ways or premises residentially used or zoned;
- 9465. Minimize glare from headlights and lighting intrusion;
- 9466. Minimize unreasonable departure from the character, materials, and scale of buildings in the vicinity, as viewed from public ways and places;
- 9467. Minimize contamination of groundwater from on-site waste-water disposal systems or operations on the premises involving the use, storage, handling, or containment of hazardous substances;
- 9468. Provide adequate access to each structure for fire and service equipment and adequate provision for utilities and stormwater drainage consistent with the functional requirements of the Planning Board's Subdivision Rules and Regulations; and
- 9469. Ensure compliance with the provisions of this Zoning Bylaw, particularly including parking, signage, landscaping, and environmental protection.

A Minor Site Plan review does allow the Planning Board to relax some of these requirements if necessary. Abutters within 300 ft. of the parcel have been notified of this Planning Board meeting.

IV. Internal Review

Town Assessor: No Comments

Health Department: No Comments Received

Building Commissioner: No Comments

Conservation Commission: No Comments Received

Tax Collector: No Comments

Historical Commission: The building in question is less than 50 years old and is not of historical significance.

DPW/Town Engineer: The owner/operator needs to be aware of how/where their delivery trucks are parking on Mill St. By way of example, I came upon a trailer truck heading northbound, parked along the southbound curb line, directly in front of the "no parking" signs. He didn't see them because he was parked in the wrong lane. To the best of our knowledge, there were no reports of incidents or problems other than a contractor plowing/stockpiling snow in the Town's right of way. Mike spoke to him and this should not be an issue going forward.

Fire Chief: The change outlined in the minor site plan modification review for Domino's at 116 Main Street does not alter how the Fire Department and EMS would access the site. The Fire Department has no objections to the modification.

Staff Recommendations:

The applicant should consider working with the property owner of 112-114 Main Street to coordinate the construction of the parking lot to ensure there are no conflicts with timing of construction activities (A Site Plan with modified parking was approved by the Planning Board for 112-114 Main Street in 2021). Ideally, the applicant should consider working with the property owner of 112-114 Main Street to provide a shared parking lot for the 2 buildings. More information on parking requirements for Shared Parking Facilities can be found in Section 5120 of the ZBL.

Acknowledging this petition is for modification of an existing separate parking lot, the applicant should consider providing similar plantings as was approved for 112-114 Main Street along the property line, particularly along Cottage Street where the proposed parking spots may cause additional glare onto adjacent properties. Similar plantings would allow for a more cohesive parking area. Alternatively, fencing could be provided to help alleviate glare onto adjacent properties. Due to the site constraints, Staff also recommends that snow be removed from the site within 24 hours of the end of a storm. The photometric plan submitted with the application shows light trespass onto Mill Street and Cottage Street. Staff recommends that the applicant install a shorter light pole and consider a light with additional shielding in order to prevent the glare onto the adjacent properties.

V. Action Required

The Board shall consider the project as required by Section 9460 of the ZBL for Site Plan Approval as detailed in Section III of this Staff Report.

Staff recommends that if the Special Permit is granted, the following Conditions of Approval be added to the motion:

This approval is granted with the conditions that:

- 1) Snow accumulated on the site must be removed within 24 hours of the end of a storm;

- 2) Construction activities shall not encroach onto other abutting properties, rights of way, sidewalks, or roadways. Pedestrian and vehicle traffic shall not be impaired by any construction activities. All sidewalk and street areas shall be kept clear of any and all construction equipment and debris at all times. Appropriate measures for dust control shall be maintained throughout all construction activities.
- 3) All outdoor lighting must comply with the provisions set forth in Section 5521 of the Zoning Bylaw of the Town of Pepperell.

Action Item: 17, 19, 19B Tucker St (Echo Knoll Estates) – Review of Homeowner’s documents per Special Permit decision, dated May 12, 2008

I. Petition Description

Project Address: 17, 19, 19B Tucker St (Map 23, Lot 18, 19, 20, 36)
Property Owner/Applicant: Ken Chaplin, EKC Development
Zoning: UR (Urban Recreational)

II. Description of Request:

The Planning Board issued a Special Permit on May 15, 2008 for a ten (10) unit multi-family residential development. Condition #11 states as follows:

The applicant shall provide a copy of the homeowner’s documents to the Board for review and approval prior to the issuance of any building permits. This document must contain a restriction that allows for no obstruction(s) between the dwellings. These obstructions shall include, but are not limited to, recreational vehicles, plantings, and fencing of any type.

The applicant has provided the Planning Board a copy of the draft Master Deed of the Echo Knoll Estates Condominium for review and approval.

III. Internal Review

Comments were received as follows:

Ken Kalinowski, Town Engineer: The water and sewer services are in from Tucker, but I don’t think they have abandoned the sewer service to the existing house yet. It needs to be cut and capped back at the property line (abutting Knollwood Estates). This was explained to them in detail when they applied for the connection (attached). They have paid some fees, but still owe others. We are tracking them and will bill accordingly when bldg. permits are pulled.

IV. Staff Review

The Planning Board issued a Special Permit on May 15, 2008 for a ten (10) unit multi-family residential development. A Special Permit extension was granted on August 26, 2019 for a period of two (2) years.

Staff has reviewed the site and the draft homeowner's documents. The documents contain a restriction in line 8.5 that states,

8.5. No obstructions shall be constructed, placed or maintained between the Buildings in violation of Condition #11 of a Notice of Decision – Special Permit dated May 12, 2008 and recorded with Middlesex South District Registry of Deeds in Book 52190, Page 99. A Unit Owner shall not place or cause to be placed in or on any of the Common Areas and Facilities, any furniture, packages, or objects of any kind except with the prior written consent of the Trustees. There shall be no parking of motor vehicles except within an Exclusive Area directly in front of a Unit by those persons having the right or permission of the Unit Owner to park in same. There shall be no parking allowed on the driveway not located within any Exclusive Area except in the four (4) parking spaces shown on the Site Plan and as may be permitted by the Rules and Regulations.

This restriction meets the requirement of the original Planning Board decision.

V. Action Items

1. Finding that the homeowners documents entitled "Master Deed of Echo Knoll Estates Condominium" meets the requirements as stated in condition number eleven (11) of the Planning Board decision dated May 15, 2008.