



UPDATE TO THE PEPPERELL RULES AND REGULATIONS GOVERNING THE SUBDIVISION OF LAND

Presentation to the Pepperell Planning Board 3/6/2023



AGENDA

1. Introduction & Background
2. Purpose of Subdivision Regulations
3. Purpose of this Update
4. Proposed Update Schedule
5. Update Highlights



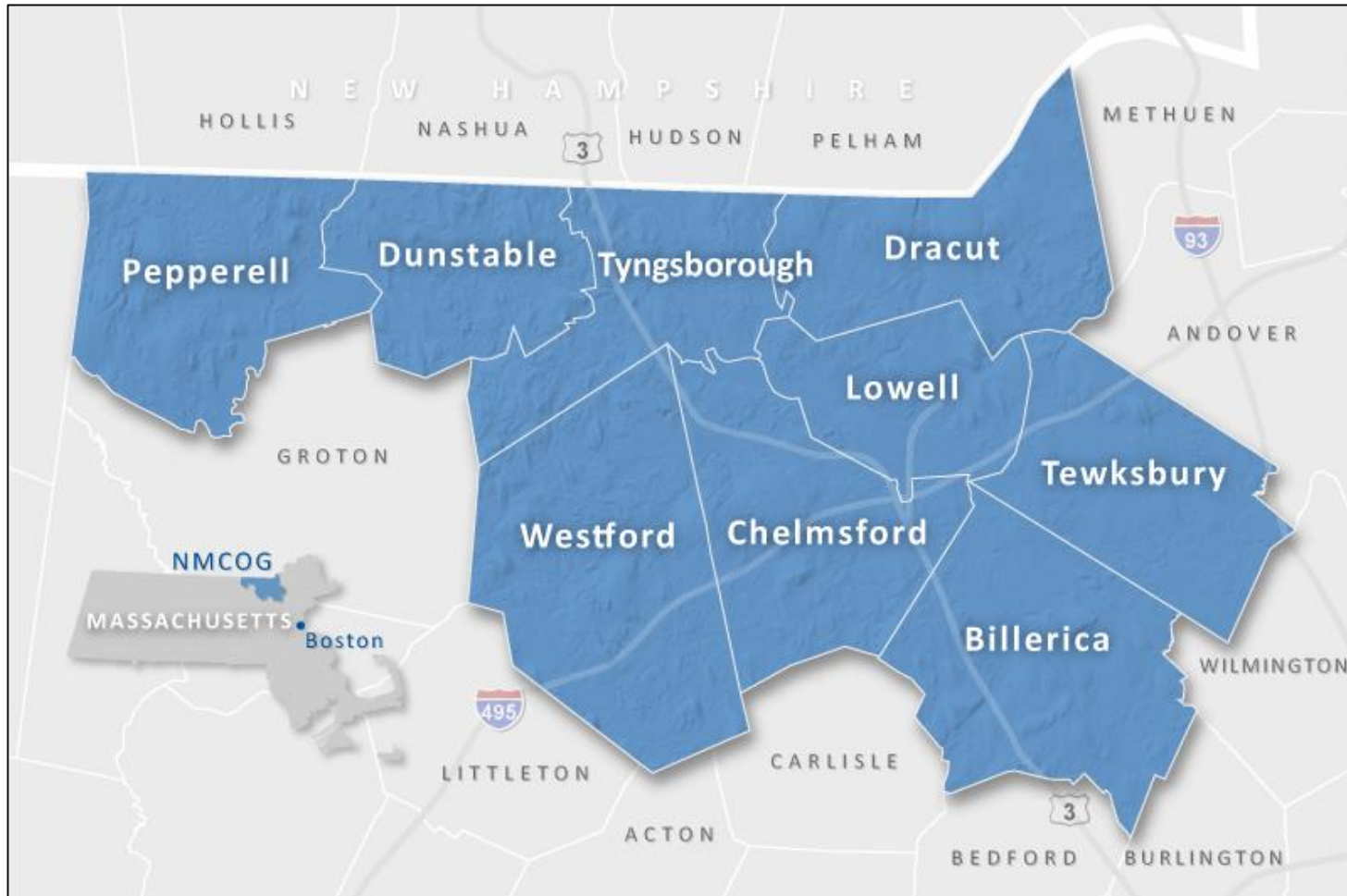
I. ABOUT NMCOG

- One of 13 Regional Planning Agencies within the Commonwealth, NMCOG is a public agency governed by an 18-member policy board comprised of local elected officials from the City of Lowell and the eight surrounding Towns of Billerica, Chelmsford, Dracut, Dunstable, Pepperell, Tewksbury, Tyngsborough, and Westford.
- Goal is to increase the capacity of municipalities and foster regional cooperation and coordination.
- 14 person staff providing comprehensive planning services to its member communities in transportation, economic development, land use, housing, environmental protection, public safety, public health, geographic information systems, and historic preservation.

I. ABOUT NMCOG

- Technical staff for the Northern Middlesex Metropolitan Planning Organization, providing comprehensive transportation planning services for the region under contract with MassDOT and LRTA.
- Partner for the Economic Development Administration (EDA) of the U.S. Department of Commerce, the Executive Office of Housing and Economic Development (EOHED) and local communities to address housing and economic development issues on a regional and community-level basis.
- Funded by municipal assessments, federal transportation and economic development funding, state grants, local fees for services, and special assessments.

I. ABOUT NMCOG



I. PROJECT BACKGROUND

- In 2022, Pepperell requested NMCOG technical assistance through the DLTA program for revisions to the Subdivision Regulations & the Rules for Special Permit and Site Plan Review
- Last circulated Subdivision Regulations draft: October 21, 2022
- Anticipate 2023 DLTA assistance to complete revisions to the Subdivision Regulations (Special Permit and Site Plan Review revisions have been completed)

2. PURPOSE OF SUBDIVISION REGULATIONS

Regulated under Massachusetts Subdivision Control Law MGL, Chapter 41 Section 81

Purpose of the Subdivision Control Law:

The subdivision control law has been enacted for the purpose of **protecting the safety, convenience and welfare** of the inhabitants of the cities and towns in which it is, or may hereafter be, put in effect **by regulating the laying out and construction of ways** in subdivisions providing access to the several lots therein, but which have not become public ways, **and ensuring sanitary conditions in subdivisions and in proper cases parks and open areas.**

2. POWERS OF THE PLANNING BOARD AND BOARD OF APPEAL

The powers of a planning board and board of appeal under the Subdivision Control Law shall be exercised to:

- provide adequate access to all of the lots in a subdivision by ways that will be safe and convenient for travel;
- lessen congestion in those ways and in the adjacent public ways;
- reduce danger to life and limb in the operation of motor vehicles;
- secure safety in the case of fire, flood, panic and other emergencies;
- ensure compliance with the applicable zoning ordinances or bylaws;
- secure adequate provision for water, sewerage, drainage, underground utility services, fire, police, and other similar municipal equipment, and street lighting and other requirements where necessary in a subdivision;
- coordinate the ways in a subdivision with each other and with the public ways in the city or town in which it is located and with the ways in neighboring subdivisions; and
- encourage the use of solar energy and protect the access to direct sunlight of solar energy systems.

3. PURPOSE OF THIS UPDATE

- The last update of the Pepperell Subdivision Regulations was in 2005
- Since 2005, there have been several revisions to relevant legislation & bylaws (e.g. Pepperell's Stormwater bylaw)
- The subdivision application process has recently been moved online
- For clarification of language regarding submittals, Approval Not Required (ANR) plans, transportation circulation, easements, and other standards

4. PROPOSED SUBDIVISION UPDATE SCHEDULE

- February: Presentations to the Planning Board, Board of Health, Department of Public Works, Conservation Commission, and Climate Change Committee
 - March 21: Receive comments from boards and committees
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PENDING DLTA FUNDING

- March/April: Presentation to developers who are familiar with the regulations
- April: Receive comments from developers
- April: Resolve comments and questions
- May: Submit draft to Planning Board with presentation of high-level changes
- May/June: Work with Planning Board to resolve comments and questions
- June: Submit final draft to Planning Board

EXAMPLE COMMENT RESOLUTION MATRIX

Reviewer				NMCOG	
Item #	Contributor	Page/Section	Comment/Correction/Question	Response	Status
1.	J. Doe	1	Example 1	Agreed	
2.	J. Doe	5	Example 2	Agreed The 40R Bylaw will include “community center” as an allowed use.	
3.	J. Doe	27	Example 3	No revision required. Issue is adequately covered by Federal ADA and State AAB guidelines.	No revision required.
4.	J. Doe	28	Example 4	Agreed Wording of the 40R Bylaw will be updated to match recommendation.	

5. UPDATE HIGHLIGHTS

- Process to date: In 2022, NMCOG staff met with the Planning Board and town staff, received written comments from town staff, committees and boards, and worked with town staff to resolve questions and comments.
- Several revisions in the October 21, 2022 draft from NMCOG mention who proposed the change. This is to provide context for the proposed revision or edit.
- Significant changes were made to submission requirements due to the online application process. Numbering was also revised throughout the regulations for clarity.
- Several comments from NMCOG mention that the Planning Board needs to decide on a revision or edit.

THANK YOU!

For follow up questions or comments, please contact:

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