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Town of Pepperell
Planning Board
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Jason Cleghorn, Town Planner

NOTICE OF DECISION

PLANNING BOARD/OPEN GOV RECORD NUMBERS: PBSP-24-5, MAJ-24-2 and LDP-24-2

APPLICANT: Fabio Lacerda on behalf of the Leon Shattuck Family Trust

LOCATION OF PROPERTY: The subject property is located at 147 Nashua Rd. just east of the intersection of Dow Street and Nashua Rd. and is owned by the Leon Shattuck Family Trust/Citizens Bank. The subject property is shown on Tax Map 6, as Parcel 70, and is located within the Industrial Zoning District.

OWNER OF PROPERTY: Leon Shattuck Trust, C/O Citizens Management Trust, 900 Elm St. Unit NE1850, Manchester, NH 03101

RELIEF REQUESTED: Special Permit, Major Site Plan Review and a Land Disturbance Permit to permit the construction of a contractor's yard for vehicular storage/staging and a storage and office building associated with same on a 3.3-acre site.

DECISION OF BOARD: Granted with conditions

DATE OF DECISION: December 16, 2024

The Decision of the Planning Board is on file with the papers on this matter in the Office of the Town Clerk.

Certified this 7th day of January, 2025

PLANNING BOARD:


Jason Cleghorn, Town Planner

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 twenty (20) days of the filing of this decision with the Pepperell Town Clerk.

TOWN CLERK CERTIFICATION:

I certify that no appeal has been received within twenty (20) days of the filing of this notice in my office.

TOWN CLERK: _____ **DATE:** _____

SPECIAL PERMIT, MAJOR SITE PLAN REVIEW & LAND DISTURBANCE PERMIT

STATEMENT OF FACTS:

- a) Application Submitted to Planning Board and filed with the Town Clerk on May 29, 2024.
- b) Applicable sections of Massachusetts General Laws: *Ch. 40A §§9 and 11; and §§3100, 5132, 9300, 9412, of the Town of Pepperell Zoning Bylaw, and §178-15 of the Town of Pepperell Stormwater Bylaw.*
- c) At the Planning Board meeting of December 16, 2024, the Planning Board voted unanimously to approve the application with conditions.

PROJECT NARRATIVE:

In accordance with the provisions of MGL, Ch. 40A §§9 and 11; and §§3100, 5132, 9300, and 9412 of the Town of Pepperell Zoning Bylaw; as well as, §178-15 of the Town of Pepperell Stormwater Bylaw, the Pepperell Planning Board held multiple public hearings regarding OpenGov Records PBSP-24-5, MAJ-24-2 and LDP- 24-2, submitted by Fabio Lacerda, requesting a Special Permit, Major Site Plan Review and a Land Disturbance Permit to permit the construction of a contractor's yard with indoor and outdoor storage space, as well as the construction of a 2,400 square foot two-story building with office space. The property is currently vacant and consists of 3.3 acres. The subject property is located at 147 Nashua Road in the ownership of Suzanne W. Shattuck Trustee of the Leon R. Shattuck Family Trust GST Exemption Share, and Citizens Bank N.A. The subject property is shown on Tax Map 6, as Parcel 70-0 and is located within the Industrial Zoning District as well as within Zone 2 of the Water Resource Protection Overlay District.

FINDINGS:

The Town of Pepperell Planning Board, having received the Application for Hearing, conducted public hearings, and reviewed all the submitted evidence finds that:

1. Leon Shattuck Trust is the applicant and the owners of the land located at 147 Nashua Rd. in the Town of Pepperell. Said land is more particularly described in a deed recorded in the Middlesex South District Registry of Deeds Book 44508 and Page 25.
2. The land is situated in a zoning district classified under the Town of Pepperell Zoning By-law (Bylaw), per Section 2000 of the Code of the Town of Pepperell, as Industrial (IND).
3. The proposed use is allowed by right within the Industrial Zoning District.
4. As shown on the plans submitted with or in information otherwise referenced in the application, the Applicant is proposing to construct a contractor's yard for the parking/storage of vehicles as well as a building for office/storage associated with the business.
5. The Applicant applied to the Planning Board for a Special Permit, Major Site Plan Review and Land Disturbance Permit under the applicable sections of MGL, *Ch. 40A §§9 and 11; and §§3100, 5132, 9300, and 9412 of the Town of Pepperell Zoning Bylaw, and §178-15 of the Town of Pepperell Stormwater Bylaw*, for approval of the proposed development.

DECISION:

On a motion by Joan Ladik and seconded by David Ganong, the Board voted 5-0 to grant the relief requested, a SPECIAL PERMIT; On a motion by Joan Ladik, and seconded by David Ganong the Board voted 5-0 to approve the LAND DISTURBANCE PERMIT; On a motion by Joan Ladik, and seconded by David Ganong the Board voted 5-0 to approve with conditions the MAJOR SITE PLAN, in accordance with the provisions of MGL, Ch. 40A §§9 and 11; and §§3100, 5132, 9300, 9412, and 6500 of the Town of Pepperell Zoning Bylaw, and §178-15 of the Town of Pepperell Stormwater Bylaw, subject to the following conditions:

SPECIAL CONDITIONS OF APPROVAL:

1. The project will maintain a gated access at Nashua Road with a Knox box for the benefit of the Town of Pepperell Fire/EMS's purposes.
2. Hours of operation shall be from 7:00 AM to 6:00 PM unless a snow emergency has been declared by the Town of Pepperell. No vehicles shall be warmed up onsite prior to the hours of operation.
3. No uses or materials prohibited within the WRPOD by Town of Pepperell Bylaw 8130 shall be utilized or stored on site either temporarily or permanently.
4. All permits including but not limited to utility and septic shall be obtained from the appropriate issuing authorities prior to the commencement of construction.
5. 100% screening shall be kept in place at all times during the operation of the site along the Nashua Road frontage to include a berm, landscaping, as well as a fence with opaque slats. Any proposed alteration or deviation to the configuration of the screening shall be reviewed by the Planning Board.
6. During construction, a trailer style restroom facility with handwash/lavatory sink within shall be installed at the property, and shall remain in place and maintained and functional throughout the operation of the project unless and until a permanent restroom facility in conjunction with the office/storage building is constructed. Planning Staff to coordinate with the applicant on type. Portable toilets commonly used at construction sites will not fulfill this condition given the parcel's location within the Town's WRPOD.
7. For the first six (6) months after the project has received a Certificate of Occupancy, the applicant shall send time stamped photos to the Town of Pepperell showing site conditions on a biweekly basis along with a written report of activity on site. After those six (6) months have elapsed, photos shall be sent to Staff every other month.
8. Measures shall be taken during construction to minimize track out along the Nashua Road frontage as well as during the construction of stormwater and erosion control measures, per the regulations of the Town of Pepperell and consistent with the approved site plan.
9. No blasting, drilling, or hammering associated with the removal of ledge or other site attributes during construction shall occur on weekends or legal holidays and shall only be performed between the hours of 8:00 AM and 5:00 PM and only after proper permitting and/or coordination with the Fire and Police Departments.
10. No deviation from the approved plan with regard to the limits of clearing and/or buffer as shown on the approved plan shall occur without Site Plan Amendment or the consent and approval of the Planning Board. All trees to be removed shall be flagged and inspected by the Town of Pepperell prior to their removal.
11. A pre-construction meeting shall be held with the appropriate Town of Pepperell parties prior to the commencement of construction.

12. Proof of notification to the Town of Pepperell's utility company or the utility company servicing that area shall be provided prior to the commencement of construction.
13. Prior to the commencement of Land Disturbance, the *Stormwater Pollution Prevention Plan (SWPPP)* shall be submitted to the Town.
14. All erosion control and sedimentation barriers shall be erected AND inspected by the Town prior to the commencement of construction.
15. The operator of the facility shall allow members of the Town of Pepperell's Stormwater Team to inspect the property. These members *may not be* Town employees but appointees.
16. A final report shall be issued by the applicant no later than six (6) months after the completion of construction consisting of an as-built plan certifying that the construction has been completed in accordance with the land disturbance permit and approved site plan.
17. All fencing constructed along the perimeter of the project shall be properly maintained throughout the lifespan of the project and shall be opaque in nature. If chain link, lattice shall be utilized.
18. Prior to the issuance of the Certificate of Compliance, Town of Pepperell staff shall assess the impact of the project upon abutters regarding the condition of the vegetative buffer, berm and fencing.
19. All extensions concerning the project shall be done in accordance with *Section 9000. Administration and Procedures of the Town of Pepperell Zoning Bylaw and Section 4.12 of the Town of Pepperell Stormwater Regulations.*
20. The Town of Pepperell shall be provided an executed copy of the Operations and Maintenance Manual for the project and the applicant shall ensure that all project contacts are accurate and updated.
21. In the event of a change of ownership related to the project, the Town of Pepperell shall be provided thirty (30) days' notice of same.

GENERAL CONDITIONS OF APPROVAL:

1. The word "Applicant" as used in this decision shall be defined as any of the following: (a) the applicant of record; (b) Applicant's assigns; (c) Applicant's heirs; or (d) any successors in title.
2. This Site Plan and Land Disturbance Permit Decision shall be recorded at the Middlesex South Registry of Deeds prior to the issuance of any other permits for the subject property. Proof of recording shall be provided to the Town Clerk and Building Department, as stated in the Notice of Decision. No building permits shall be issued until proof of recording has been received.
3. The Applicant shall conform to all necessary local, state, and/or federal application and permitting requirements.
4. If, during judicial review, any condition stated herein is declared null and void, the remaining conditions shall apply.
5. This Special Permit lapses three (3) years from grant thereof, if substantial use thereof or construction has not begun by such date a written request for extension of approval may be submitted to the Planning Board for consideration no later than sixty (60) days prior to the lapse of the Special Permit. A filing fee in accordance with the Fee Schedule shall accompany all requests for extension. The Board shall consider requests of one (1) year extensions and in no case shall consider requests for more than a two (2) year extension of a Special Permit. The Site Plan Approval and Land Disturbance Permit shall lapse after two (2) years from the grant thereof if a substantial use thereunder has not begun,

except for good cause. Such approval may, for good cause, be extended by filing, in writing, a request for extension within thirty (30) days of the expiration of the Site Plan Approval;

6. If there will be a change in the use approved by this decision, then the property owner will be required to return to the Planning Board, prior to any such change, for review of the Special Permit, Site Plan Approval and Land Disturbance Permit for the purpose of modification of any conditions.
7. Construction activities shall not encroach onto other abutting properties, rights of way, or roadways. Pedestrian and vehicle traffic shall not be impaired by any construction activities. All 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.
8. The project shall be constructed and operated in substantial conformance with the final plans submitted with the application and as modified subsequent to peer review findings.
9. The Applicant shall take all measures required to provide for the adequate long-term operation and maintenance of stormwater management design features and best management practices (BMPs) installed and/or required for use of the property and operation of the facility as outlined in peer review.
10. All outdoor lighting must be fully shielded and not cause light trespass, glare or sky glow for adjacent properties.
11. Internally illuminated signage is prohibited.
12. The Building Inspector/Zoning Officer/Town Planner shall enforce all site plan conditions stated in this Decision. If the Building Inspector/Zoning Officer/Town Planner determines that the use of the Property is in violation of the conditions of this Site Plan Approval they 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 Site Plan Approval; and/or (3) notify the Planning Board that there is a violation of the conditions of this Site Plan Approval, which may result in action by the Planning Board to revoke the Site Plan Approval.
13. The conditions of approval in this Special Permit, Site Plan Approval and Land Disturbance Permit may be amended by the Planning Board upon the filing of an application for a modification of the Site Plan Approval and/or Land Disturbance Permit, which shall be acted upon by the Planning Board in the same manner as provided for in the *Planning Board Rules and Regulations for Special Permits and Site Plan Reviews and the provisions of the Stormwater Bylaw*, as applicable.
14. The Planning Board, as Stormwater Authority, or its authorized agent, shall have the right to enter and inspect the property at reasonable hours to inspect for compliance with the conditions stated in this Notice of Decision.
15. The Applicant shall submit a final report certifying compliance with the conditions of the Land Disturbance Permit, in accordance with §178-19 of the *Stormwater Bylaw*.
16. The Special Permit, Site Plan Approval and Land Use Disturbance Permit decision is subject to appeal in accordance with *M.G.L. Ch. 40A Sec. 17* within twenty (20) days after this decision is filed with the Town Clerk.

A copy of the SPECIAL PERMIT, LAND DISTURBANCE PERMIT DECISION, MAJOR SITE PLAN DECISION and NOTICE OF DECISION shall be transmitted to the owner, the Applicant (if other than owner) and the Town Clerk by the Planning Office.

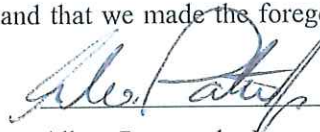
A copy of the NOTICE OF DECISION shall be transmitted to the parties in interest and anyone requesting such and providing their address at the public hearing, all with the notice of their right to appeal to court pursuant to *Section 17 of the Zoning Act*, by the Planning Office.

Decided this December 16th 2024 by roll call vote as listed:

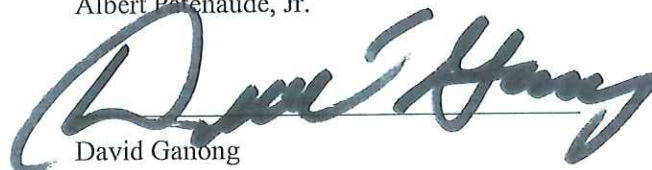
Albert Patenaude, Jr.:	Aye
Joan Ladik:	Aye
David Ganong:	Aye
Brian Keating:	Aye
Amanda Huntington:	Aye

CERTIFICATIONS:

We, the undersigned members of the Planning Board of the Town of Pepperell, certify that we attended and participated in all of the hearings, the decision and the order of the above matter, that said hearings and decision were made at public meetings of the Board and that we made the foregoing decision with the undersigned members voting by roll call vote.



Albert Patenaude, Jr.



David Ganong





Joan Ladik



Brian Keating

Amanda Huntington