

Pepperell Natural Resources Association

May 5, 2006

Dear Neighbor:

Did you know that a developer has purchased about 60 acres behind the houses on Bayberry, Heald, Ashley and Chestnut Streets and has indicated his intention to build possibly as many as 200-250 duplex, triplex and quadplex housing units, with 25% of these set aside for low income housing? Only plans for the first phase, 44 units, have been briefly mentioned in newspaper articles. The Public Hearing on this development, for Phase I only, will start on May 23, 7:00 PM, at Lawrence Library (location may change).

The scale of this proposal is mind-boggling for our part of Pepperell. It's about the size of taking every single home on all of Ashley, Bayberry, Chestnut, Heald, Oak Hill and West Streets, and cramming all of them together on less than ¼ acre each. It's larger than full build-out of the Pepperell Springs land would have been, under Pepperell town zoning.

The developer is using a state program, Chapter 40B, to obtain approval to bypass local zoning and create a high density complex in the middle of our woods. (An abbreviated information sheet about 40B is enclosed.) Access will be from Bayberry and Ashley Streets, and possibly from Heald Street. At 2 cars per unit, there could be as many as 500 cars going in and out daily, thousands of car trips each day, over all our roads. Roads such as Heald Street and West Street have already experienced many traffic accidents with injuries over the years. Adding even the slightest increase in traffic volume in this area will most likely increase the opportunities for more accidents. Walking, jogging, biking, even pulling out of your driveway will be hazardous.

We all know that Heald Street is not the best of roads, and the stretch around the pond can be especially treacherous. In the application to the state, the developer gave directions to the site from Town Hall via Park Street, Oak Hill, and Chestnut, then onto Bayberry – no mention of Heald!

What about property values? Taxes? Destruction of wetlands? Impact on the Watershed Protection District? Loss of habitat for protected and endangered species? How will our schools handle such a jump in population? What will the impact be on Police, Fire, Ambulance, and Highway Departments? Who will pay for all this? We will! While we support the need for affordable housing, this particular project appears to be a really bad concept.

Last fall, neighborhood families started meeting, doing fact finding and discussing any options we might have. This spring we formed a neighborhood organization, hosted several information nights, and are now sponsoring an endangered species habitat study. We hope to have your support when we organize a fund raising effort for our campaign to reduce, if not block, this development.

We are distributing information about this development via email (and may set up a web site). If you would like to be kept informed, or learn more, provide input, expertise, or help in any way with our campaign, please send your name(s), email address(es), (and phone number if you want) in an email message to rgpotts@charter.net. We will send an email to remind you about the Public Hearing so the neighborhood turn-out can be huge!

This is important. We need your opinions, input and help.

Sincerely,

Richard and Lynne Potts, Bayberry Street
Kevin and Susan Gagnon, Ashley Street
Russell and H-T Donnelly, Heald Street

Marie and John Linden, West Street
Peter and Linda Mangini, Chestnut Street
Dr. James High, West Street

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Chapter 40B Information (Very Abbreviated)

What is 40B and what does it mean?

Chapter 40B of the General Laws was passed in 1969 as a way to encourage construction of affordable housing. These projects have been built in other towns and cities since then, and in recent years towns like Pepperell have become “targets”.

How does it work? After receiving State approval for “Project Eligibility”, a developer applies for a Comprehensive Permit to the local Zoning Board of Appeals (ZBA), not the Planning Board. Local zoning for lot size, housing density, setbacks and so forth do not apply.

The ZBA, after Public Hearings and review that might take many months, can then approve, or approve with conditions, or deny a Comprehensive Permit. The thresholds for the state to uphold a local denial or conditional approval are very high. For example, the health and safety of occupants or residents must be imperiled, or the proposed housing must be seriously deficient. As a result most appeals are decided in the developer’s favor.

40B is Contentious

Quoting from the state’s web site: “Affordable housing advocates have called Chapter 40B the state’s most effective tool for creating more affordable units. Local officials have called it a blunt instrument killing cities and towns with uncontrolled development.”

Pepperell is not alone – other area towns are dealing with 40B developments and issues. Groton for example has several in the works. One of these is the new Groton Residential Gardens that is being built on 119 across from NEBS. Townsend tried to deny one and was over-ruled by the State. We have just learned of another development at the conceptual stage for Park Street.

What Can We Do?

It will come down to finding enough obstacles to convince the state that this project should be denied or significantly reduced. Because this is a 40B project, the impact of this development on the character of our town, taxes, schools, and all sorts of other local factors will not carry any weight and will be ignored. Arguing about them will get you nowhere. Arguing about 40B will also get nowhere – it is the law. (However, campaigning to repeal that law is highly encouraged.)

Although the 40B process by-passes most local zoning, the developer must still obtain various permits required by state statutes. State regulations, such as Wetlands Protection Act, Title 5, and all building codes, remain fully in effect under the comprehensive permit.

The arguments against this development that have a chance of some success are those that bring some other state law into opposition with this one, or arguments that can show negative impact on health and safety. Topics we are focusing on are endangered species, Title V and septic, wetlands and groundwater, traffic and public safety (fire and police). Arguing just about the inconvenience of more cars on our roads won't work. We need to convince the state that roads such as Heald Street can't be improved, and a large increase in traffic will lead to fatalities.

We've got a lot of people already working on this, but the Public Hearing opening on May 23 will just be the start of many months of a long hard effort. We can use all the help we can get. We need people to attend town board meetings, continue to attend meetings as the Public Hearing continues, help keep neighbors up to date, and make sure we do everything we can to prevent this project from destroying what we value in Pepperell.