

Town of Ayer
Zoning Board of Appeals
Ayer Town Hall
1 Main Street
Ayer, MA 01432



Wednesday February 15, 2017
Open Session Meeting Minutes

Recorded by APAC

Present: Michael Gibbons, Vice – Chair; Ron Defilippo; John Ellis; Jess Gugino

Carly Antonellis, Assistant to the Town Administrator

Absent: Sam Goodwin, Chair;

Call to Order: M. Gibbons called the meeting to order at 6:000 PM.

Approval of Agenda:

Motion: A motion was made by J. Ellis and seconded R. Defilippo to approve the agenda. **Motion passed 4-0.**

Public Hearing – Application for Special Permit – Justin Smith – The Homescout, LLC.

48 Central Avenue - (Filed January 24, 2017): M. Gibbons opened the public hearing at 6:01 PM by reading the Public Hearing Notice as advertised in the *Nashoba Valley Voice* on January 27, 2017 and February 3, 2017. The applicant is seeking a Special Permit pursuant to Ayer Zoning Bylaw 3.3.2.2.c.4 to allow for construction of a 7 unit townhouse style residential dwelling unit in the General Business District.

Mr. Rob Olivia from David E. Ross Associates was in attendance with the applicant, Mr. Justin Smith.

The Town of Ayer Economic and Community Development Director Mr. Alan Manoian spoke in favor of the application.

Ms. Kathy Hebb from Nashoba Valley Express voiced her concern about the potential of future residents of the structure complaining about the businesses on the other side of the Central Avenue. The applicant stated that all units would be marketed keeping in mind the uniqueness of street, which is mostly residences on one side and businesses on the other side.

Motion: A motion was made by J. Ellis and seconded by J. Gugino to approve the request for Special Permit pursuant to Ayer Zoning Bylaw 3.3.2.2.c.4 to allow for construction of a 7 unit townhouse style residential dwelling unit in the General Business District as submitted by the applicant. **Motion Approved 4-0.**

Motion: A motion was made by M. Gibbons and seconded R. Defilippo to close the public hearing at 6:25 PM.
Motion passed 4-0.

Public Hearing – Application for Variance – JAR Realty Corp. 1 Nemco Way – (Filed January 24, 2017): M. Gibbons opened the public hearing at 6:27 PM by reading the Public Hearing Notice as advertised in the *Nashoba Valley Voice* on January 27, 2017 and February 3, 2017. The applicant is seeking a variance from Ayer Zoning Bylaw

8.4.1 to allow for 3 signs per single use building, where 2 is the maximum allowed and for the installation of 3 signs to allow for the following setbacks where 25' is required: 8'6" setback; 20' setback and 0' setback.

Mr. Paul Martin from Barlo Sign Company was in attendance with Mr. Joe Basile President of Catania Spagna. Mr. Martin stated that they are seeking setbacks because the topography of the lot poses a hardship. Within the proper setbacks, the base of the sign would be exposed to water, thereby threatening the structural integrity.

Mr. Michael Pattenden, 42 Westford Road asked several questions as it relates to the setbacks and visibility on Westford Road which were answered by the applicant and the consultant. The proposed sign will be 15' off the road and the setbacks relate to the property line, not to the road line.

Motion: A motion was made by R. Defilippo and seconded by J. Ellis to approve the request for Variance pursuant to Ayer Zoning Bylaw 8.4.1 to allow for 3 signs per single use building, where 2 is the maximum allowed and for the installation of 3 signs to allow for the following setbacks where 25' is required: 8'6" setback; 20' setback and 0' setback as submitted by the applicant. **Motion Approved 4-0.**

Motion: A motion was made by M. Gibbons and seconded R. Defilippo to close the public hearing at 6:45 PM. **Motion passed 4-0.**

Public Hearing – Application for Variance – JAR Realty Corp. 3 Nemco Way – (Filed January 24, 2017): M. Gibbons opened the public hearing at 6:45 PM by reading the Public Hearing Notice as advertised in the *Nashoba Valley Voice* on January 27, 2017 and February 3, 2017. The applicant is seeking seeks variance from Ayer Zoning Bylaw 8.4.1 to allow for the installation of 2 signs to allow for the following setbacks where 25' is required: 10' setback and 0' setback.

Mr. Paul Martin from Barlo Sign Company was in attendance with Mr. Joe Basile President of Catania Spagna. Mr. Martin stated that they are seeking setbacks similar to the previous request heard before the ZBA this evening, just at another location further down Nemco Way.

Motion: A motion was made by J. Ellis and seconded by J. Gugino to approve the request for Variance pursuant to Ayer Zoning Bylaw as submitted by the applicant 8.4.1 to allow for the installation of 2 signs to allow for the following setbacks where 25' is required: 10' setback and 0' setback. **Motion Approved 4-0.**

Motion: A motion was made by M. Gibbons and seconded J. Ellis to close the public hearing at 6:48 PM. **Motion passed 4-0.**

Public Hearing – Application for Variances – Mark W. Saydah 41 East Main Street – (Filed January 26, 2017): M. Gibbons opened the public hearing at 6:49 PM by reading the Public Hearing Notice as advertised in the *Lowell Sun* on January 30, 2017 and February 6, 2017. The applicant is seeking variances from Ayer Zoning Bylaw 6.3(c) to allow for car space within driveways and maneuvering space; 6.3(d) to allow for 0' offset of parking spaces where 10' is required and 5' offset from property line where 8' is required; and 6.5(a) to allow parking spaces within the required front yard setback without adequate screening for proposed two-family dwelling units required by Article 9.3

Mr. Neil Gorman from David E. Ross was in attendance with the applicant, Mr. Mark Saydah. Mr. Gorman stated that the current design of the project was done with cognizance of the aquifer protection district and approved by the Board of Health. Mr. Gorman gave several examples of East Main Street properties with similar parking spaces. Mr. Gorman stated that in his opinion the proposed design was consistent with the neighborhood.

M. Gibbons stated he didn't feel the ZBA could justify the request because there have been issues with parking on East Main Street and surrounding neighborhoods.

Mr. Mark Saydah stated that the issue comes down to whether someone can park in front of the garage.

Ms. Mary Sparazo, Oak Street stated that she was very concerned with the traffic in the neighborhood.

Mr. Don Papineau 5 Maple Street stated that Pond Street is too narrow, so on street parking only compounds the problem. He is also concerned with the ability for emergency response vehicles to travel to the Housing Authority housing. He stated the proposed project will add to the problem.

Ms. Judy Pinard, 10 Pond Street stated her concern about high traffic volumes in the neighborhood and does not want to add more congestion to the area.

M. Gibbons read the Building Commissioner's letter regarding the proposed project which stated that there is no hardship and that the project could be redesigned to fit within current zoning regulations.

Mr. Michael Norris, Attorney for Mr. Saydah stated that his client's hardship is that the bylaws aren't being evenly enforced and that the proposed project is consistent with the neighborhood.

R. Defilippo stated he was not in favor of the request.

J. Ellis stated his concern with negative feedback provided by several Town departments and that it was clear to him the neighborhood was not in favor of the request.

Mr. Saydah stated that the proposed project will improve the site, especially with storm water management.

Community and Economic Development Director Alan Manoian stated that the project fit more into a suburban neighborhood and didn't fit in the traditional urban neighborhood.

J. Gugino stated that she was not in favor of the project because it would be adding the parking/congestion problem in the area.

ZBA members took an informal poll with none in favor of the project.

Mr. Saydah withdrew his application from consideration. ZBA members acknowledged the withdrawal.

Motion: A motion was made by M. Gibbons and seconded R. Defilippo to close the public hearing at 7:58 PM.
Motion passed 4-0.

Approval of Meeting Minutes:

Motion: A motion was made by J. Ellis and seconded by M. Gibbons to approve the meeting minutes of November 16, 2016. **Motion passed 4-0.**

Adjournment:

Motion: A motion was made by J. Ellis and seconded by J. Gugino to adjourn at 8:01 PM. **Motion passed 4-0.**

Minutes Recorded and Submitted by Carly M. Antonellis

Date Minutes Approved by ZBA: 3/15/17

Signature of Clerk Indicating Approval: 