

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



Wednesday March 15, 2017  
Open Session Meeting Minutes

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

Absent: Samuel A. Goodwin, Chair

**Call to Order:** M. Gibbons called the meeting to order at 6:01 PM.

**Approval of Agenda:**

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

**Public Hearing – Application for Special Permit (Home Occupation) – Lyna Tiernan, 229 Old Farm Way - (Filed February 21, 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 February 24, 2017 and March 3, 2017. The applicant is seeking a Special Permit pursuant to Ayer Zoning Bylaw Table 4.4 Section 1.5 to allow for a home occupation permit for a hair salon.

Mr. Mark Tiernan and his wife Lyna addressed the ZBA stating that since November of 2017 Lyna has been cutting hair in their home because she was battling cancer. She stated that she used to own a hair salon in Devens but had to close it due to her illness. She is looking to keep a small number of clients so that she can stay busy and not think about her cancer.

Mr. William Adamson, 34 Partridge Run stated that he is not looking to pit neighbors against neighbors but he has public safety and traffic concerns. He stated that there many kids in the area and he didn't want to see anything add to the high volume of traffic that currently exists. He also stated that granting the special permit would be opening "Pandora's Box" and that this is zoned residential only.

Mr. David Gordon, 9 Partridge Run stated that he has an issue with the application and that granting the special permit would set a dangerous precedent for the neighborhood.

Mr. Mark Tiernan stated that his wife can only cut one person's hair at a time and her hours are very limited.

Ms. Renee Gordon, 9 Partridge Run stated that she repeatedly sees cars at the house, that the traffic is already very heavy in the neighborhood and that the intersection nearest the property is really bad.

Mr. Bill and Ms. Eileen Froehlich, 214 Old Farm Way stated they live across the street and have a problem with what goes on and that there should not be a business in a residential neighborhood.

Mr. David Gordon, 9 Partridge Run stated that he is selling his house and his real estate agent said that a business in the residential neighborhood would negatively affect the value of his home.

Mr. Mark Tiernan stated that he wrote letters to his neighbors explaining their request and has been upfront.

Mr. John Fraher, 98 Hickory Way stated that he thinks what Ms. Tiernan is doing is admirable and if there are parking/safety concerns that the neighbors are always welcome to call the police.

Mr. Nick Mancini, 45 Partridge Road stated that he works from home and he also thinks what Ms. Tiernan is trying to do is admirable.

Ms. Eileen Tiernan stated that her mom sold her business because of the severity of her illness and is looking to stay busy with a small number of clients. She also said that her mother works really hard and wants to be able to work from home.

J. Gugino stated that on one hand this is a residential neighborhood but if the ZBA limited the number of clients per day, she would consider voting for it.

J. Ellis stated that most of the issues like signage and number of employees are already covered in the Zoning Bylaw but would be fine with putting conditions on the Special Permit.

ZBA members discussed placing the following conditions on the Special Permit: Only one hair dressing chair; no employees other than owner; Hours of operation – Tuesday – Saturday 10:00 AM – 6:00 PM

**Motion:** A motion was made by J. Ellis and seconded by R. Defilippo to approve the Special Permit with the following conditions: 1) Only one hair dressing chair 2) no employees other than the owner 3) hours of operation Tuesday – Saturday 10:00 AM - 6:00 PM. **Motion failed due to lack of supermajority 3-1.**

**Motion:** A motion was made by J. Ellis and seconded by J. Gugino to close the Public Hearing at 7:02 PM. **Motion passed 4-0.**

**Approval of Meeting Minutes:**

**Motion:** A motion was made by J. Ellis and seconded by J. Gugino to approve the meeting minutes from February 15, 2017. **Motion passed 4-0.**

**Adjournment:**

**Motion:** A motion was made by R. Defilippo and seconded by J. Gugino to adjourn at 7:10 PM. **Motion passed 4-0.**

Minutes Recorded and Submitted by Carly M. Antonellis

Date Minutes Approved by ZBA: 4/19/17

Signature of Clerk Indicating Approval: 