

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



Wednesday April 15, 2015
Open Session Meeting Minutes

Recorded by APAC

Present: Jeremy Callahan, Chair; Christa Maxant, Clerk; Michael Gibbons;
Ron Defilippo

Not Present: Sam Goodwin

Call to Order: J. Callahan called the meeting to order at 7:00 PM.

Continued Public Hearing from March 18, 2015 – Variance Application – Epic Enterprises, 1 Copeland Drive: J. Callahan reopened the hearing at 7:01 PM. Ken Duval from Duval Sign Company was in attendance to explain the need for the variance. The applicant measured from the curb line, not the lot line. K. Duval said that after the footings were poured, the Building Commissioner said it looked very close to the road and requested that a survey be done. The sign at the corner of Littleton Road and Coffman Way is 8.1 feet from the lot line, where 10 feet is required. The sign at the corner of Copeland Drive and Littleton Road is 4.5 feet from the lot line, where 10 feet is required.

C. Maxant asked for a more detailed timing on this application. She stated that she was disappointed in how this process evolved, but understood the financial burden of tearing up footings to have them re-poured.

R. Defilippo stated that with the high volume of large trucks in the area that the signs have been very helpful.

The ZBA reviewed the bylaws as related to signage and setback. The bylaw states 10 feet are required for sign setback from the lot line but it is not specific as to whether 10 feet refers to the center line of a sign, or the edge of the sign. Considering both the ambiguity of the bylaw and the financial burden to Duval Sign, the ZBA voted to grant setback variances.

The ZBA made a note to review this issue when bylaws are updated.

Motion: A motion was made by M. Gibbons and seconded by C. Maxant to grant setback variances as requested by the applicant. **Motion passed 4-0.**

Motion: A motion was made by M. Gibbons and seconded by R. Defillipo to close the public hearing relative to 1 Copeland Drive. **Motion passed 4-0.**

Public Hearing – Application for Finding and/or Variance – 23 Mill Street: J. Callahan opened the hearing at 7:16 PM and read the public hearing notice as advertised in the Ayer Public Spirit on March 27, 2015 and April 3, 2015. ZBA member M. Gibbons recused himself for this agenda item because he owns property that abuts 23 Mill Street. The board was not able to reach a quorum due to M. Gibbons recusal, so J. Callahan recommended that the

hearing be continued.

Motion: A motion was made by J. Callahan and seconded by R. Defillipo to continue the Public Hearing until Wednesday May 20, 2015 at 7:00 PM. **Motion passed 3-0.**

M. Gibbons then rejoined the Zoning Board of Appeals after recusing himself for the 23 Mill Street application.

Discussion Items: Alan Rogers, 4 Pierce Avenue came before the ZBA to seek guidance on rebuilding or renovating a dwelling unit on his property. It was approved in the 1970's as a dwelling unit, but they are looking to increase the size. The ZBA advised that the applicant should file a variance application. The Board would then determine the merit of the application, when it is filed through the proper channels.

Attorney Tom Gibbons and Project Engineer Josh Swerling from Bohler Engineering were present regarding the Barnum Road Wendy's rebuild Project. Attorney Gibbons, on behalf of Wendy's, was seeking guidance in the permitting process regarding parking stall size, number of spots, and signage.

ZBA members expressed concerned with the proposed wall sign at 24' feet high, where the allowed height is 15' feet. R. Defilippo asked if the red wall as depicted on the drawings serves any other purpose besides holding the sign. The project engineer will be looking into the functionality of the wall in question.

Mike Kennedy property owner of 67 Groton School Road was in attendance seeking guidance on renovating his property before he began meeting with an architect for formal drawings. He inquired about the possibility of rebuilding or renovating.

Announcements: J. Callahan announced that the Comprehensive Plan Committee is still seeking a ZBA member, as well as at large community members. He also announced that the ZBA needs two alternate members.

J. Callahan also stated that he is anticipating that the proposed changes to the Zoning Bylaw will presented at a Special Town Meeting in the fall of 2015.

Approval of Meeting Minutes:

Motion: A motion was made by R. Defilippo and seconded by C. Maxant to approve the meeting minutes of March 18, 2015. **Motion passed 4-0.**

Adjournment:

Motion: A motion was made by M. Gibbons and seconded by C. Maxant to adjourn at 8:40 PM. **Motion passed 4-0.**

Minutes Recorded and Submitted by Carly M. Antonellis

Date Minutes Approved by ZBA:

5/20/15

Christa Maxant, Clerk:

