

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



Wednesday May 20, 2015
Open Session Meeting Minutes

Recorded by APAC

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

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

J. Callahan asked to amend the agenda by adding a request for a non-substantial change from the Willows.

Because his sister lives at the Willows, he will be recusing himself for the vote to amend the agenda. R. Defilippo also recused himself for the vote.

Motion: A motion was made by M. Gibbons and seconded by S. Goodwin to amend the agenda by adding the request from the Willows. **Motion passed 3-0.**

J. Callahan and R. Defilippo rejoined the table.

Continued Public Hearing from 4/15/15 - Application for Finding and/or Variance: J. Callahan reopened the continued public hearing from April 15, 2015 at 7:03 PM.

M. Gibbons recused himself because he is an abutter to the property.

The engineer for the project presented the plans and the need for the variance request. The property owner at 23 Mill Street suffered a complete loss of home due to a fire. The home has since been demolished. The plans for rebuilding the structure take into account the owner's age and need for more accessible living. The property is non-conforming to setbacks and frontage, but the upgrades are making this home more conforming than it previously was.

There was no public input.

Motion: A motion was made by S. Goodwin and seconded by C. Maxant to grant the variance as sought by applicant. **Motion passed 4-0.**

Motion: A motion was made by S. Goodwin and seconded by C. Maxant to close the public hearing at 7:14 PM. **Motion passed 4-0.**

M. Gibbons rejoined the table.

Public Hearing – Application for Variance – Global Montello, LLC: J. Callahan opened the public hearing at 7:15 PM.

The project consultant from MHF Engineers presented the application for a variance from Section 5.11 of the Zoning Bylaw to allow 14' spacing between the diesel fuel dispenser islands where 30' feet is required. The applicant has acquired additional land at the site to allow for additional space.

S. Goodwin asked for clarification on the number of fueling stations, hoses and pumps. Applicant stated there would be two bays, two pumps and four hoses.

J. Callahan stated that last time the applicant was before the Board and denied (for other variance requests) the Board's feeling was that the proposal was being developed on a parcel of land too small and that he was happy to see they have acquired more space. J. Callahan also asked about the proximity to the abutters and if the applicant was planning to plant vegetation to clearly demarcate the proposed gas station from the abutters.

C. Maxant asked the applicant to speak to the hardship and how the perceived hardship was creating a need for the variance.

The applicant stated that 30' between fueling stations is geared more toward passenger vehicles and not tractor trailer trucks. He stated that 14' is the industry standard for big trucks.

C. Maxant stated that she didn't consider that as a hardship for the applicant.

J. Callahan opened the hearing to the public for input.

Barbara Wilson, 26 Littleton Road stated that she was opposed to the overall project and didn't understand how there was a hardship to validate the variance request.

Roger Scruton, 23 Markham Circle stated that he was concerned with the project and doesn't see how he will be able to enjoy his backyard with his small children. He also stated his concern with the additional lighting coming from the proposed project.

Matthew King, 21 Willard Street stated the Town has a 30' requirement in the bylaw for a reason and he hopes that the ZBA takes that into consideration.

S. Goodwin asked if the ZBA denied the variance request, would Global Montello Corp. still consider developing the project. Dan Berry a representative from Global Montello Group stated they would still seek to develop the property with the 30' required spacing between the fuel pumps.

Mary Spinner, 18 Myrick Street stated her concern that the traffic in that area is already very congested and she has concerns that the applicant is not considering how this will impact the neighborhood.

J. Callahan stated that if the variance request is denied the applicant can build by-right if all aspects fall within Zoning Bylaw and other relevant laws.

M. Gibbons stated that they didn't have enough land in their original proposal but they have rectified it with this revision.

Motion: A motion was made by M. Gibbons and seconded by S. Goodwin to grant the variance to allow for 14' spacing between the diesel fuel dispensers. **Motion failed 2-3.**

Motion: A motion was made by S. Goodwin and seconded by M. Gibbons to close the public hearing at 7:55 PM. **Motion passed 5-0.**

Discussion Items: Mr. Chris Valentine from 141 Snakehill Road presented his plans seeking guidance from the ZBA on whether he'll need a variance to put an addition on his house which is on a non-conforming lot.

The Board discussed that a finding by the Board is all that is needed for this particular request.

Motion: A motion was made by S. Goodwin and seconded by M. Gibbons that the Zoning Board of Appeals finds that the proposed alteration is not substantially more detrimental to the neighborhood than the existing conforming use, per Zoning Bylaw 4.3.4B

J. Callahan and R. Defilippo recused themselves.

A request was submitted by The Willows seeking a modification to their comprehensive permit, stemming from 2 buyers who were looking to purchase market rate units currently listed as affordable. The Willows is requesting to shift the affordable location of Unit 61 to Unit 62 and Unit 88 to Unit 64. This will not affect the overall unit mix.

Motion: A motion was made by M. Gibbons and seconded by C. Maxant to endorse the change as non-substantial. **Motion passed 3-0.**

J. Callahan and R. Defilippo rejoined the table.

Approval of Meeting Minutes: A motion was made by M. Gibbons and seconded by C. Maxant to approve the meeting minutes of April 15, 2015. **Motion passed 5-0.**

Other Discussion Items: S. Goodwin had questions as it pertained to the order of applicants going before the Zoning and Planning Boards. J. Callahan stated that the Planning Board function is more administrative. S. Goodwin stated that he has seen in other communities that the Planning Board reviews a project first and then sends applicants to other Boards if necessary.

Reorganization of the Zoning Board of Appeals: S. Goodwin asked about the timing of reorganizing the Board and stated he would like to be Chair to ease some of the burden of the current Chair who is also Chair of the Planning Board.

Motion: A motion was made by M. Gibbons and seconded by C. Maxant to appoint S. Goodwin as Chairman of the Zoning Board of Appeals. **Motion passed 5-0.**

C. Maxant will continue to serve in the position of Clerk.

Adjournment: A motion was made by S. Goodwin and seconded by C. Maxant to adjourn at 8:38 PM. **Motion passed 5-0.**

Minutes Recorded and Submitted by Carly M. Antonellis

Date Minutes Approved by ZBA: 10/17/15

Christa Maxant, Clerk: 