

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



Wednesday August 19, 2015
Open Session Meeting Minutes

Recorded by APAC

Present: Sam Goodwin, Chair; Michael Gibbons; Jeremy Callahan (Alternate); John Ellis; Ron Defilippo

Absent: Christa Maxant, Clerk

Call to Order: S. Goodwin called the meeting to order at 7:01 PM.

Approval of Agenda: S. Goodwin asked for a discussion to take place under discussion items relative to changing the fees on Provisional Special Permits for Home Occupations.

Motion: A motion was made by J. Callahan and seconded by M. Gibbons to approve the agenda as amended. **Motion passed 5-0.**

Public Hearing – Application for Variance – Air 22, LLC. - 22 Fitchburg Road (Filed July 21, 2015): J. Callahan opened the Public Hearing at 7:03 PM by reading the Public Hearing Notice as advertised in the *Ayer Public Spirit* on July 31, 2015 and August 7, 2015.

Mr. Brent Heinzer, Project Architect representing Air 22, LLC., explained the request for the variance. He stated that from the centerline of the road to the edge of building is approximately 271 feet. He stated that the distance from the middle of the road to the existing structure creates the need for a bigger sign. Air 22, LLC is seeking relief from Zoning Bylaw 8.4.1 “signage height and square footage”. He said the size of the signs they are using are industry standard.

S. Goodwin asked if there was any Public Input. There was none.

Motion: A motion was made by J. Callahan and seconded by M. Gibbons to grant variances as detailed in the public hearing notice for 22 Fitchburg Road. **Motion passed 5-0.**

Motion: A motion was made by J. Callahan and seconded by R. Defilippo to close the Public Hearing at 7:13 PM. **Motion passed 5-0.**

Public Hearing – Application for Variance – John Horgan - 41 Nashua Street (Filed July 23, 2015): S. Goodwin opened the Public Hearing at 7:13 PM by reading the Public Hearing Notice as advertised in the *Ayer Public Spirit* on July 31, 2015 and August 7, 2015.

Cal Goldsmith from GPR, Inc. and Mr. John Horgan explained the need for the variance request. He is seeking another variance to construct an accessory structure (carport) located over existing driveway but closer to frontage than primary structure on side street; also to move structure immediately adjacent to existing stone wall. Mr. Horgan was before the ZBA in June of 2015 and granted a variance for the same issue. Mr. Goldsmith said there was a surveying/communication issue and the property line was a little over a foot off from where it was originally thought to be. Therefore they are seeking variance from Ayer Zoning Bylaw (AZB) 5.8.d for structure to be located within 3' of side yard line where 5' is required.

S. Goodwin asked if there was any Public Input. Mr. Paul Farley, 20 Coolidge Road had concerns over the measurements. S. Goodwin stated the wall is not the property line and that the property line and the wall weren't exactly the same.

Motion: A motion was made by J. Callahan and seconded by M. Gibbons to grant the variance as detailed in the public hearing notice for 41 Nashua Street with the restriction that the accessory structure can never be converted to living space. **Motion passed 4-0-1.**

Motion: A motion was made by J. Callahan and seconded by R. Defilippo to close the Public Hearing at 7:27 PM. **Motion passed 5-0.**

Public Hearing – Application for Variance – HRES, LLC. – 19 Fitchburg Road (Filed July 24, 2015):

S. Goodwin opened the Public Hearing at 7:28 PM by reading the Public Hearing Notice as advertised in the *Ayer Public Spirit* on July 31, 2015 and August 7, 2015.

Doug Murray from HRES Ayer, LLC., was in attendance to explain the request for a variance from sign height and square footage requirements, specifically from Ayer Zoning Bylaw Section 8.4.1 of 18'18" where 15' height to top of sign is allowed and 48.9 s.f. where 40 s.f. sign area is allowed.

He stated from the centerline of the road to the building is approximately 110' thereby necessitating the need for a larger sign. He is also seeking relief from sign square footage requirements.

S. Goodwin asked if there was any Public Input. There was none.

Motion: A motion was made by J. Callahan and seconded by M. Gibbons to grant the variances as detailed in the public hearing notice. **Motion passed 5-0.**

Action Item: D. Murray explained that on his previously approved variance dated 10/8/14 for the same project, he is seeking a non-substantial modification relative to the set back line on the northeast side of the property. The original setback of 14' was granted; however, the contractor set the foundation at 14' off the property line and the building wall will overhang that dimension by an inch to three inches.

Motion: A motion was made by J. Callahan and seconded by M. Gibbons to endorse the change requested as non substantial. **Motion passed 5-0.**

Motion: A motion was made by J. Callahan and seconded by R. Defilippo to close the Public Hearing at 7:37 PM. **Motion passed 5-0.**

Public Hearing – Application for Special Permit – Calco, LLC. - 22 West Main Street (Filed July 24, 2015): S. Goodwin opened the Public Hearing at 7:39 PM by reading the Public Hearing Notice as advertised in the *Ayer Public Spirit* on July 31, 2015 and August 7, 2015.

Cal Goldsmith from GPR, Inc. explained the request for a special permit to allow warehousing and interior storage within the General Business District per Ayer Zoning Bylaw Table 4.4-5.3. They are currently working with the Planning Board and Conservation Commission on properly permitting the site.

R. Defilippo stated that he thought it was another ugly box store property in the gateway to Ayer and was opposed to the project.

J. Callahan pointed out that the developer owns a similar self-storage development on opposite side of same street.

Mr. Goldsmith stated that the site was hard to develop with anything else because of the wetland restrictions.

S. Goodwin asked if there was any Public Input. There was none.

Motion: A motion was made by J. Callahan and seconded by M. Gibbons to approve the special permit as outlined in the public hearing notice. **Motion passed 4-1.**

Motion: A motion was made by J. Callahan and seconded by M. Gibbons to close the Public Hearing at 7:53 PM.

Public Hearing – Application for Special Permit – Fuchser, Antonella – 84A Groton School Road (Filed July 24, 2015): S. Goodwin opened the Public Hearing at 7:54 PM by reading the Public Hearing Notice as advertised in the *Ayer Public Spirit* on July 31, 2015 and August 7, 2015.

Cal Goldsmith from GPR Inc. explained the application for a special permit per 4.3 Non-Conforming Structures and 4.4 Table of Use subsection 1.3 for conversion of a single family dwelling to a two family dwelling. This will make the building legal, as it was renovated by the previous owner without pulling any permits.

During the Department Head review process it was brought to the attention of the ZBA that the house needs to comply with Title 5 requirements and upgrade the septic tank to accommodate 1,500 gallons. S. Goodwin stated that he did not feel comfortable in granting the Special Permit until those issues are resolved.

C. Goldsmith stated that the house is deed restricted to 4 bedrooms; therefore no additional bedrooms could be added.

S. Goodwin wants clarification on whether Title 5 has different standards for 1 family house versus 2 family dwelling.

S. Goodwin asked if there was any Public Input. There was none.

Motion: A motion was made by J. Callahan and seconded by M. Gibbons to approve the special permit for alteration of a pre-existing nonconforming structure per Ayer Zoning Bylaw 4.3. **Motion passed 5-0.**

Motion: A motion was made by J. Callahan and seconded by M. Gibbons to continue the Public Hearing until 7:00 PM on Wednesday September 16, 2015 at the Ayer Town Hall. **Motion passed 5-0.**

Public Hearing – Application for Special Permit & Variance – G.S. Holdings, LLC. – 14 Washington Street (Filed July 27, 2015): S. Goodwin opened the Public Hearing at 8:14 PM by reading the Public Hearing Notice as advertised in the *Ayer Public Spirit* on July 31, 2015 and August 7, 2015.

Attorney Sherril Gould was present on behalf of GS Holdings LLC to explain her requests to the Zoning Board of Appeals. Specifically she is requesting a variance from Ayer Zoning Bylaw 3.3.2.1c to allow residential use on street level in Downtown Business District; a Special Permit/Finding to allow for residential use in pre-existing non-conforming structure (4.3.3d) and to allow for reduced side setback and insufficient off street parking (6.1a). The applicant is seeking to convert former Ayer Fire Department building located on Washington Street into 6-8 dwelling units, keeping the historical façade pursuant to the Town's RFP for selling the property.

The housing mix will contain at least one unit of affordable housing.

S. Goodwin expressed concerned about the lack of parking. S. Gould stated that the developer could provide at least 10 parking spaces, as opposed to the 12 required (for 6 dwelling units) given the constraints of the lot size.

S. Gould said that the Purchase and Sales Agreement is signed and the finalization is conditioned upon permitting by the Town, which needs to be completed by the end of the year.

S. Goodwin asked if there was Public Input.

Mr. Charles Hanson, 18 Washington Street stated his concern due to one side of the buildings proximity to his property line and the lack of offset.

Mr. David Maher, Community and Economic Development Director for the Town of Ayer said that the wings on either side of the building were not part of the original structure. Attorney Gould said she thought her client would be removing those for the renovation.

Ms. Elizabeth Pearl, 17 Pleasant Street questioned what her backyard will look like after the renovation. Attorney Gould said the architectural plans haven't been drawn yet, as they needed these findings/variances to proceed in the process.

Ms. Kimberly Pearl, 17 Pleasant Street stated that parking is already an issue in this area of town and the renovation of this building will add to an already bad problem.

Ms. Nicola Vinci 10 Newton street also spoke about her concerns with the current lack of parking.

Attorney Gould said the developer is planning no more than 8 units of housing with no less than 10 parking spaces.

Motion: A motion was made by J. Callahan and seconded by M. Gibbons to issue a special permit to allow for a minimum of 10 parking spots. **Motion passed 5-0.**

Motion: A motion was made by J. Callahan and seconded by M. Gibbons to grant a variance to allow for residential use on the first floor in the downtown business district. **Motion passed 5-0.**

Motion: A motion was made by J. Callahan and seconded by M. Gibbons to issue a special permit allow for residential use in pre-existing non-conforming structure. **Motion passed 5-0**

Motion: A motion was made by J. Callahan and seconded by M. Gibbons to close the public hearing at 9:03 PM. **Motion passed 5-0.**

Discussion Items: S. Goodwin told the Board that he, Ms. Antonellis and the Building Commissioner had met recently to discuss the provisional Home Occupation Permits that are given out by the Zoning Administrator. The intent is to allow for new home businesses to be granted a provisional special permit good for 5 years. After 5 years, if the business is still operational, the applicant would have to go before the entire ZBA for a Home Occupation Special Permit.

S. Goodwin suggested lowering the cost of the application to \$50 from \$100 to benefit the applicant who is trying to open a business. He also suggested giving the Town Administrator authority to designate someone to administer provisional special permits as long as they meet the following criteria: No non-resident employees; no signage at premises on business vehicles parked at the premises; no deliveries of supplies/materials other than normal USPS, UPS, Fed Ex; no customer visits to premises; no external evidence of business activity and evidence of permission from landlord or condo if applicable.

Motion: A motion was made by J. Callahan and seconded by J. Ellis to reduce the fee for provisional home occupation special permits to \$50.00 and to give authority to the Town Administrator to select an employee to administer provisional special permits for home occupations. **Motion passed 5-0.**

Approval of Meeting Minutes:

Motion: A motion was made by J. Callahan and seconded by M. Gibbons to approve the meeting minutes from June 17, 2015. **Motion passed 5-0.**

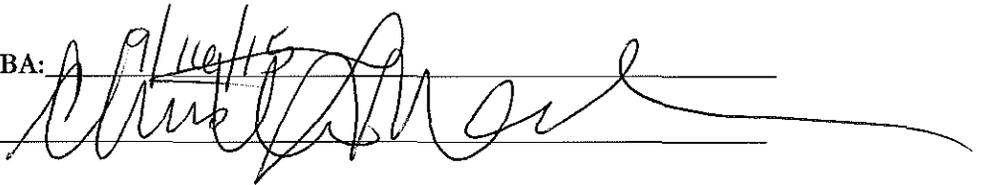
Adjournment

Motion: A motion was made by J. Callahan and seconded by M. Gibbons to adjourn at 9:22 PM. **Motion passed 5-0.**

Minutes Recorded and Submitted by Carly M. Antonellis

Date Minutes Approved by ZBA:

Christa Maxant, Clerk:

A handwritten signature in black ink, appearing to be 'Christa Maxant', is written over a horizontal line. The signature is cursive and extends across the line.