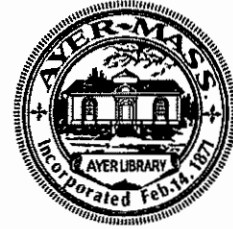


Town of Ayer
Zoning Board of Appeals
Ayer Town Hall
1 Main Street
Ayer, MA 01432



Wednesday June 20, 2018
Open Session Meeting Minutes

Present: Samuel A. Goodwin, Jr., Chair; Michael Gibbons, Vice-Chair; Ron Defilippo, Clerk; John Ellis, Jess Gugino

Also Present: Carly M. Antonellis, Assistant Town Manager

Call to Order: S. Goodwin called the meeting to order at 6:01 PM.

Approval of Agenda:

Motion: A motion was made by M. Gibbons and seconded by J. Gugino to approve the agenda.

Motion passed 5-0.

Public Hearing – Application for Variance – Epic Enterprises Inc. - 11 Copeland Drive (Filed 5/21/18):

S. Goodwin opened the Public Hearing at 6:01 PM by reading the public hearing notice as advertised in the Nashoba Valley Voice on May 25, 2018 and June 1, 2018. The applicant is seeking a variance from Ayer Zoning Bylaw (2018) 6.2. Schedule of Dimensional Requirements to allow for a 10' front setback where 25' is required for the construction of a deck.

Architect Claude Gentilhomme gave a presentation on the proposed location of the deck. This is for the purposes of constructing a deck off of the breakroom for employees.

ZBA members asked why the deck wasn't being proposed on the south side of the building as opposed to the west side of the building. Mr. Gentilhomme stated that there were gas lines on the south side of the building and it wouldn't be aesthetically pleasing.

ZBA members discussed whether or not that constituted a substantial hardship. The general consensus was that it did not.

ZBA members also discussed the Departmental Review Form from the Fire Chief who had concerns with the existing hydrant, stating there must leave 3' of room around the hydrant, which currently sits on the south side of the building.

Motion: A motion was made by S. Goodwin and seconded by J. Ellis to deny variance. **Motion passed 5-0.**

Motion: A motion was made by M. Gibbons and seconded by J. Ellis to close the Public Hearing at 6:21 PM. **Motion passed 5-0.**

Public Hearing – Application for Variance – Nasoya Foods USA, LLC. - 1 New England Way (Filed 5/24/18): S. Goodwin opened the Public Hearing at 6:22 PM by reading the public hearing notice as advertised in the Nashoba Valley Voice on June 1, 2018 and June 8, 2018. The applicant is seeking a variance from Ayer Zoning Bylaw (2018) 6.2. Schedule of Dimensional Requirements to allow for an 80' structure height where 40' is allowed for the construction of an exhaust stack.

Engineer Bryan Balicki from Sage Engineering and Contracting, Inc. stated that Nasoya had entered into a Consent Order with Mass DEP due to air quality violations. The erection of the stack will address persistent odor issues and that the State is mandating the 80' height based on air modeling.

ZBA asked Nasoya representatives on how the odors are currently discharged. Nasoya representatives stated that it goes through a ducting system and then into a scrubbing system.

Mr. Michael Pattenden, 42 Westford Road asked where on the property the stack would be located. Mr. Balicki said in the rear of the site. Mr. Pattenden was concerned about the stack being in his sightline.

Mr. Kevin Horgan, 25 Westford Road stated that he was in support of the project and applauded the efforts of Nasoya.

R Defilippo asked if the State was dictating the stack height. Mr. Balicki stated that they were.

Motion: A motion was made by M. Gibbons and seconded by J. Gugino to approve the variance as requested. **Motion passed 5-0.**

Motion: A motion was made by M. Gibbons and seconded by J. Ellis to close the Public Hearing at 6:38 PM. **Motion passed 5-0.**

Public Hearing – Application for Special Permit – The Home Scout, LLC - 9 Shaker Road (Filed 5/25/18): C. Antonellis read into the record a request dated June 20, 2018 from Seth Donohoe, Project Manager at Ducharme & Dillis Civil Design Group, Inc. to withdraw their application.

ZBA members had questions about the acceptance of the withdrawal without prejudice.

Motion: A motion was made by J. Ellis and seconded by J. Gugino to accept the withdrawal without prejudice. **Motion passed 5-0.**

Public Hearing – Application for Appeal of Building Commissioner Decision – Ayer Solar II, LLC. – 0 Pleasant Street; 0 Washington Street; Off Pleasant Street (Filed 5/18/18): S. Goodwin opened the

Public Hearing at 6:50 PM by reading the public hearing notice as advertised in the Lowell Sun on June 4, 2018 and June 11, 2018. Applicant is seeking to appeal Building Commissioner's decision to deny building permit based on access to the site through a common driveway and the use of a common driveway for non-residential use for proposed solar array.

Attorney Adam Costa was in attendance seeking a continuance of the ZBA meeting until July 18, 2018. The Attorney representing Madigan Lane Abutters asked for the matter to be heard that evening.

C. Antonellis advised the ZBA that Town Counsel recommends continuing the public hearing to the July 2018 meeting, so that several procedural matters can be resolved.

ZBA members and counsel to both parties discussed different meeting dates to continue the public hearing to.

Motion: A motion was made by S. Goodwin and seconded by J. Ellis to continue the Public Hearing until 6:10 PM on July 18, 2018 at the same location, in the Ayer Town Hall. **Motion passed 5-0.**

Approval of Meeting Minutes: C. Antonellis stated that J. Ellis pointed out an error on the original DRAFT minutes; specifically the vote total on the Global Partners application was incorrect. It was originally listed as 5-0, but has since been changed to 4-1 to reflect the actual vote.

Motion: A motion was made by S. Goodwin and seconded by J. Ellis to approve the meeting minutes from May 16, 2018. **Motion passed 5-0.**

Adjournment:

Motion: A motion was made by S. Goodwin and seconded by J. Gugino to adjourn at 7:15 PM. **Motion approved 5-0.**

Minutes Recorded and Submitted by Carly M. Antonellis, Assistant Town Manager

Date Minutes Approved by ZBA: 7/18/2018

Signature of Clerk Indicating Approval: [Signature]