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



Recorded by APAC

Wednesday February 19, 2020
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 6:14 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 – Northeast Material Handling, Inc. - 1 Bligh Street (Refiled 1/14/20):

S. Goodwin opened the public hearing at 6:15 PM by reading the public hearing notice as advertised in *The Nashoba Valley Voice* on January 24, 2020 and January 31, 2020. The applicant is seeking a variance to Ayer Zoning Bylaw (2018, as amended October 22, 2018) to allow for the use of the premises for destruction and decommissioning of electronics and universal waste (recycling). Mr. James O'Boyle, President and Ms. Francine Soucy, Office Manager were in attendance.

Mr. O'Boyle said that the company is an aggregator of electronic material and furniture, where his company collects material from other companies/sources, which is then processed/stripped in Ayer and then sent to various vendors as refuse.

S. Goodwin asked what the benefits of allowing the company to continue the use were? Ms. Soucy stated that the company works with larger companies such as the MBTA and helps them clean their sites/facilities, making note of the maintenance away station in downtown Ayer. She stated that the company holds recycle events and provides their customers an avenue to recycle waste cheaply. Mr. O'Boyle stated that when the company first began in Lowell, it created about 32 jobs. He is looking to hire more people over the next year from Ayer.

S. Goodwin asked how long they had been in operation. The applicants stated about 18 months. S. Goodwin asked why it had taken them so long to come before the ZBA to apply for zoning relief. The applicants stated that there was turnover in the company and that they should have come forward sooner.

Ms. Alison Chateanueuf, 6 Grove Street stated that she didn't believe that the use was appropriate given the proximity to downtown and the residential neighborhoods. Mr. O'Boyle stated they have downsized operations and are only operating in about 4,300 square feet and that typically 3 – 4 trucks enter and leave the premises daily. Mr. O'Boyle stated that electronic material comes back to the facility where the hard drive is removed and then the CPU's are sorted into bins that are eventually hauled away.

J. Ellis stated that the Town Departments have concerns with the application, specifically the items that were being stored outside.

M. Gibbons noted that the applicants did not have a business certificate on file with the Town.

Building Commissioner Charlie Shultz stated that if relief from the ZBA was granted, the applicants would then need to go to the Planning Board for Site Plan Review.

J. Gugino stated that the application describes separating and deconstructing material and asked what that entailed. Mr. O'Boyle stated it was taking screws out of a computer unit by hand and removing the hard drive. There are not grinders or benders inhouse.

Mr. Jonathan Jones, 20 Forrest Street, stated that he has major concerns with the proposal relating to the recycling of electronic equipment due to the presence of mercury, lead, dioxins and arsenic.

Mr. O'Boyle stated that his company was being misrepresented and that his company was not a transfer station. His company provides logistics for companies to discard items that can be recycled/repurposed. He welcomed anyone to tour the facility.

Ms. Chateanueuf stated that universal waste is hazardous and that she is concerned with the ZBA allowing the use of recycling electronic equipment.

M. Gibbons stated that this business should have been in front of the Planning Board for Site Plan Review and that he will vote to condition that the applicant must go before the Planning Board.

Motion: A motion was made by S. Goodwin and seconded by M. Gibbons to grant the variance with the condition that the applicant go before the Planning Board for Site Plan Review; that exterior storage must be screened and that the Building Commissioner continue to monitor progress. **Motion failed 3-2 (lack of super majority).**

Motion: A motion was then made by S. Goodwin and seconded by M. Gibbons to close the public hearing at 7:32 PM. **Motion passed 5-0.**

Public Hearing - Application for Variance – Northeast Material Handling, Inc. - 11 Tannery Street (Filed 1/14/20): S. Goodwin opened the public hearing at 7:35 PM by reading the public hearing notice as advertised in *The Nashoba Valley Voice* on January 24, 2020 and January 31, 2020. The applicant is seeking a variance pursuant to Ayer Zoning Bylaw (2018, as amended October 22, 2018) to allow for the use of the premises for recycling, repurposing of office/warehouse furniture.

Mr. O'Boyle stated that the office staff of Northeast Material Handling is currently housed on the second floor of 11 Tannery Street and office furniture/equipment is being repurposed on the first floor.

J. Ellis asked if they were selling the furniture retail? Mr. O'Boyle stated no, it is all sold wholesale.

J. Gugino asked if they kept cleaning supplies on site? Mr. O'Boyle stated that there is a maximum of one gallon of lacquer thinner stored in a cabinet for flammable liquids.

ZBA members agreed that the proposed use/operation of storing office furniture would have less of an impact than recycling electronic equipment.

Mr. Jones again stated that he is concerned with increased truck traffic in the neighborhood.

Motion: A motion was made by S. Goodwin and seconded by M. Gibbons to grant the variance as requested for 11 Tannery Street requiring Site Plan Approval from the Planning Board. **Motion passed 5-0.**

Motion: A motion was then made by S. Goodwin and seconded by J. Ellis to close the public hearing at 7:40 PM.
Motion passed 5-0.

Approval of Meeting Minutes:

Motion: A motion was made by J. Gugino and seconded by M. Gibbons to approve the minutes of November 20, 2019. **Motion passed 5-0.**

Adjournment:

Motion: A motion was made by J. Gugino and seconded by R. Defilippo to adjourn at 7:43 PM. **Motion approved 5-0.**

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

Date Minutes Approved by ZBA: April 22, 2020 Via Remote Participation

Signature of Clerk Indicating Approval: *Samuel A. Ludwig* Electronic Signature of Chairman inserted by Direction