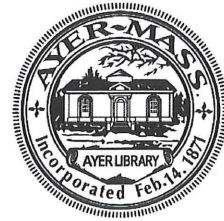


Town of Ayer
Zoning Board of Appeals
Ayer Town Hall
1 Main Street
Ayer, MA 01432



Broadcast on Zoom and Streamed and Recorded by APAC

**Wednesday April 21, 2021
Remote Participation Open Session Meeting Minutes**

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

Also Present: Carly Antonellis, Assistant Town Manager
Via Remote Participation

Call to Order: S. Goodwin called the meeting to order at 6:00 PM.

COVID-19 Order: S. Goodwin stated that pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, MGL Chapter 30A, Section 18 and the Governor's March 15, 2020 Order imposing strict limitations on the number of people that may gather in one place, this meeting of the Ayer Zoning Board of Appeals is being conducted via remote participation. No in- person attendance of members of the public will be permitted, but every effort has been made to ensure that the public can adequately access the proceedings as provided in the Order. All votes will be taken by Roll Call.

Approval of Meeting Agenda: A motion was made by S. Goodwin and seconded by M. Gibbons to approve the agenda. **Roll Call Vote:** S. Goodwin, aye; M. Gibbons, aye; J. Gugino, aye; J. Ellis, aye; R. Defilippo, aye. **Motion passed by Roll Call Vote 5-0.**

Public Hearing – Application for Variance – Sawyer May, LLC – Joseph A. Cataldo, Jr.: 66 Westford Road (Filed March 29, 2021): S. Goodwin opened the Public Hearing by reading the Public Hearing Notice as advertised in *The Nashoba Valley Voice* on April 2, 2021 and April 9, 2021. Applicant is seeking a use variance pursuant to Ayer Zoning Bylaw (2019, as amended) 5.2 Table of Use Regulations Section 5.14 to allow an automotive service repair establishment in the Industrial District located in a portion of the building pursuant to Article 3.2(B)(2). Attorney Tom Gibbons and Joe Catalado, Sawyer Mae, LLC. were present via Zoom.

T. Gibbons stated that the property is the former McNiff farm on Westford Road and is just under 5 acres. Since purchasing the property in 2018, Sawyer Mae, LLC. has built a 9,900 sq ft building that houses office space for MJ Cataldo Landscaping and multiple vehicle bays. There is currently an automotive repair business, Welch Automotive, leasing the bay furthest to the right, if you were standing on Westford Road. They are seeking a use variance for the automotive business. T. Gibbons stated that the power line easement encumbers the property and affects the shape of the lot, which is a good reason for granting the variance. If the use variance were not granted, it would put Welch Automotive out of business, at least temporarily. T. Gibbons stated that there were 4 letters of support submitted with the application.

S. Goodwin stated that the power lines are not new, so the easement was already existing during construction. He asked if the intent was to sublease the bays from the beginning? T. Gibbons stated that during the Planning Board deliberations for Site Plan Approval, it was noted that MJ Cataldo would be the primary tenant, but not the only tenant. T. Gibbons stated that MJ Cataldo is able to repair their trucks and equipment in the bays, so allowing a lease to Welch Automotive, would not be detrimental to the neighborhood. T. Gibbons noted that Erik's Truck and Auto Repair is located at 81 Westford Road and stated that the use is not inconsistent with what is going on in the neighborhood. J. Ellis stated that fact is irrelevant. M. Gibbons stated that it is relevant because there is a similar business on Westford Road.

T. Gibbons stated that the DBA certificate was issued by the Town Clerk's Office in September of 2020. T. Gibbons then summarized the Town Departmental Reviews/Comments. The owner of Welch Automotive was unaware that this use was not allowed in this District. He did apply for and was granted the DBA certificate from the Town Clerk's Office.

Erica Tamlyn, 15 Loon Hill Road, stated that she has concerns about noise at the site and she has noticed more trash at the beginning of the Loon Hill Road development. She also notices noise before 7am.

Gudavalli Ravindra, 3 Lilac Lane, stated that the mulch is kept at the rear of the property near his property line, and it causes dust. He also has concerns on the odor and lighting. S. Goodwin stated that this Board has limited jurisdiction and currently the ZBA can only deliberate on whether to allow the use of the automotive service.

MC Stewart, 21 Loon Hill Road stated that there is a lot of unwanted traffic. She has called Mr. Cataldo to discuss but he never called him back. She stated that there are people walking through her neighborhood while their car is getting serviced. She stated that there is noise coming from the property early in the morning.

Naomi Jones, 5 Liliac Lane stated that she was happy to see the auto mechanic business come to the neighborhood and she has no problems.

Gudavalli Ravindra stated he has had a bad experience and that allowing the auto mechanic will increase the noise. He moved in after the building was constructed.

Discussion continued among the abutters about unwanted traffic. S. Goodwin again reminded meeting attendees that those items were outside of the scope of the ZBA's jurisdiction.

Gudavalli Ravindra asked for a wall to be installed between the properties. S. Goodwin stated that the ZBA has no authority to mandate a wall, or a fence be installed.

J. Ellis stated we need to move on. The hardship of losing customers is not the problem of the ZBA. He referenced a Special Permit for the property. He also referenced the Town Planner's and Economic Development concern about losing industrial land. T. Gibbons stated that there was no Special Permit, it is a "by right" use. There was additional discussion.

J. Gugino feels she needs additional information. T. Gibbons stated that Mr. Cataldo would be happy to have the ZBA down for a site visit. J. Ellis stated he had already been there.

M. Gibbons stated that he has issues he'd like to discuss, but due to the time constraints, he feels that the meeting should be continued.

Motion: A motion was made by S. Goodwin and seconded by M. Gibbons to continue the Public Hearing to May 19, 2021 at 6:05 PM. **Roll Call Vote:** S. Goodwin, aye; M. Gibbons, aye; J. Gugino, aye; J. Ellis, aye; R. Defilippo. **Motion passed by Roll Call Vote 5-0.**

Approval of Meeting Minutes:

Motion: A motion was made by S. Goodwin and seconded by M. Gibbons to approve the meeting minutes from March 17, 2021 as written. **Roll Call Vote:** S. Goodwin, aye; M. Gibbons, aye; J. Gugino, aye; J. Ellis, aye; R. Defilippo. **Motion passed by Roll Call Vote 5-0.**

Adjournment:

Motion: A motion was made by S. Goodwin and seconded by M. Gibbons to adjourn at 7:04 PM. **Roll Call Vote:** S. Goodwin, aye; M. Gibbons, aye; J. Gugino, aye; R. Defilippo, aye; J. Ellis, aye. **Motion passed by Roll Call Vote 5-0.**

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

Date Minutes Approved by ZBA: _____

07-21-21

Signature of Clerk Indicating Approval: _____

Electronic Signature of Chairman inserted by Direction due to COVID-19



07-21-21