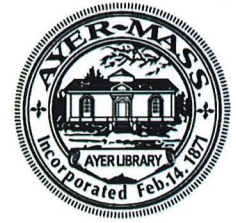


**Town of Ayer
Zoning Board of Appeals
Ayer Town Hall
1 Main Street
Ayer, MA 01432**



Wednesday, November 30, 2022
Remote Participation Open Session Meeting Minutes

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

Also Present: Samantha Benoit, Administrative Coordinator

Call to Order: S. Goodwin called the meeting to order at 6:03pm. He stated that due to the ongoing COVID-19 Pandemic, in accordance with Chapter 22 of the Acts of 2022, suspending certain provisions of the Open Meeting Law (OML), public bodies otherwise governed by the OML are temporarily relieved from the requirement that meetings be held in public places, open and physically accessible to the public, so long as measures are taken to ensure public access to the bodies' deliberations "through adequate, alternative means." This meeting will be live on Zoom. The public may participate remotely by joining Zoom (Meeting ID# 857 9728 7177) or by calling (312-626-6799). For additional information about remote participation, please contact Carly Antonellis, Assistant Town Manager at atm@ayer.ma.us or 978-772-8220 ext. 100 prior to the meeting.

Approval of the Agenda: Motion was made by M. Gibbons to approve the agenda as written.

Seconded by J. Ellis.

Roll Call Vote: M. Gibbons, aye; R. Defilippo, aye; J. Gugino, aye; John Ellis, aye; S. Goodwin, aye.

Motion Passed (5-0)

Continued Public Hearing – Application for a Variance – Nasoya Foods USA, LLC. – 1 New England Way (Filed October 28, 2022).

Attorney Thomas Gibbons representing Nasoya Foods USA, LLC, presented along with representatives of Nasoya Foods the proposed expansion of the facility. T. Gibbons explained that the applicant is seeking a Variance pursuant to Ayer Zoning Bylaw Section 6.2 to allow for the construction of a portion of a building to a height of 75ft where 40ft is allowed.

S. Goodwin asked if this expansion was related to a variance granted by the ZBA two years ago.

T. Gibbons stated that expansion was never built.

T. Gibbons went on to give an overview of all variances granted to this property by the ZBA. Starting 1986, when the facility was operated by the New England Shrimp Company and has had a freezer/cooling room, in which the ZBA granted a variance for the construction of the freezer room. In 1987 a variance was granted so a water pre-treatment facility could be constructed. Nasoya purchased the facility in 1996 and was granted a variance to increase the height of the freezer facility to 60 feet. In 1997 a variance was granted for the height of the storage silos, and in 2001 a variance was granted for the construction of storage tanks. In 2017 the ZBA granted a variance for the construction of an 80 foot high stack, and in 2020 a variance was granted for 59 foot tall addition. This addition was not built because that addition would not have satisfied Nasoya's growth needs.

Nasoya is the second largest producer of tofu in the United States, with this expansion they are expected to become the largest producer. This expansion will also necessitate the addition of 35 to 50 more employees.

David Mackwell of the Kelly Engineering Group, present the proposed addition to the Nasoya facility. The facility is located on about twelve acres, and bound by Westford Road, New England Way, and Catania Oils. The current building is 115,000 square feet in size, the proposal will expand the manufacturing and freezer space. The new freezer space will be adjacent to the existing freezer space, and by making the space taller as opposed to wider will keep the existing buffer on Westford Road. The site is also being rearranged to decrease the amount of pavement, creating more efficient parking, and adding more green areas. Nasoya will be applying for a parking waiver from the Planning Board. The addition will also include a new entrance and office spaces. This new addition will meet all zoning setbacks. Nasoya is looking for a height variance for the freezer addition. The increased height of the addition will not be seen from Westford Road.

M. Gibbons asked how tall Catania Oils facility is.

D. Mackwell believes it is around 40 feet.

Jeff Prince estimates the building to be about 45 feet due to the tall foundations

M. Gibbons asked what the elevation of the new roof would be.

J. Prince estimates it to be about 300.

S. Goodwin noted that there was some concern about the Fire Department's access to the new roof.

Dexter Preston explained that the new roof can be accessed from the old roof, and there are ladders from each roof.

J. Prince noted that there would be improved access to the roof with the changes being made.

S. Goodwin asked about the DPW's concern about the encroachment on the sewer easement and asked if the applicant had found the sewer force main location.

J. Prince stated that the force main's location is generally known in most location, however some excavation will have to be done to verify. They are willing to relocate the force main if needed.

S. Goodwin also asked about the additional sewer flows loading above Nasoya's approved limits.

J. Prince explained that Nasoya has a permit with town to allow for 208,000 gals per day of discharge, they currently discharge about 170,000 gals per day. With this expansion they do expect to reach 208,000 gal per day capacity, at which time they make improvements to the pre-treatment system. There is a memorandum of understanding between Nasoya and the Town of Ayer to increase the capacity.

S. Goodwin asked how this discharge is monitored.

Justin from Nasoya explained that they are averaging 120,000 to 130,000 gals per day.

J. Prince further explained that Nasoya will maintain the permit capacity until the capacity is increased.

M. Gibbons asked if Nasoya had paid their taxes.

T. Gibbons said that there was a small amount of unpaid taxes but that has been cleared up.

Justin explained that Nasoya had short paid about \$1,700.

M. Gibbons asked if Alan Manoian, Director of Community and Economic Development, had reached out in regard to his comment about building elevations.

T. Gibbons noted that Alan had not reached out to him about the building elevation.

S. Benoit did clarify that the elevation drawings were passed along to Alan.

M. Gibbons asked if any members of the public had comments about the discussed application.

Sara Withee of Groton Shirley Road, asked if the drawings on the screen were the ones sent to Alan Manoian.
M. Gibbons answered that they were the drawings sent to Alan.

T. Gibbons explained that the topography is unique to this property. The cooling rooms require height, and the topography allows for the building to be taller without creating a visual impact. This will also allow for a smaller footprint.

Motion: M. Gibbons made a motion to grant a Variance pursuant to Ayer Zoning Bylaw Section 6.2 to allow for the construction of a portion of a building to a height of 75ft where 40ft is allowed.
Seconded by J. Ellis.

Roll Call Vote: M. Gibbons, aye; R. Defilippo, aye; J. Gugino, aye; John Ellis, aye; S. Goodwin, aye.

Motion Passed (5-0)

Motion: S. Goodwin made a motion to close the hearing of Nasoya Foods USA, LLC at 6:46pm.
Seconded by M. Gibbons

Roll Call Vote: M. Gibbons, aye; R. Defilippo, aye; J. Gugino, aye; John Ellis, aye; S. Goodwin, aye.

Motion Passed (5-0)

Motion to Adjourn: M. Gibbons made a motion to adjourn the meeting.
Seconded by J. Gugino.

Roll Call Vote: M. Gibbons, aye; R. Defilippo, aye; J. Gugino, aye; John Ellis, aye; S. Goodwin, aye.

Motion Passed (5-0)

Meet Adjourned at 6:48pm.

Minutes Submitted by Samantha Benoit, Administrative Coordinator

Date Minutes Approved by the ZBA: _____

Dec. 21, 2022

Signature of ZBA Clerk, Indicating Approval: _____

Samuel A. Goodwin Jr.