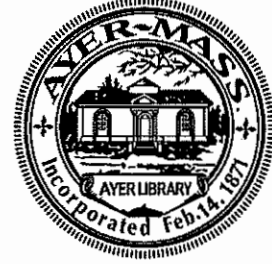


Town of Ayer
Zoning Board of Appeals
Ayer Town Hall
1 Main Street
Ayer, MA 01432



Wednesday September 20, 2017
Open Session Meeting Minutes

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

Carly M. Antonellis, Assistant to the Town Administrator

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

Approval of Agenda: A motion was made by M. Gibbons and seconded by J. Ellis to approve the agenda. **Motion passed 5-0.**

Public Hearing - Public Hearing – Request for Variance – David Rogers - 4A Pierce Avenue (Filed August 22, 2017): S. Goodwin opened the Public Hearing at 6:02 PM by reading the public hearing notice as advertised in the Nashoba Valley Voice on September 1, 2017 and September 8, 2017. The applicant seeks a Variance pursuant to Ayer Zoning Bylaw (2009) to raze a preexisting non-conforming second dwelling on lot and replace with larger dwelling, thereby allowing two dwelling structures on one lot.

The applicant, Mr. Rogers, explained that this proposal had been approved by the Zoning Board of Appeals in 2015; but that the one year time limit for acting on the application had since lapsed, therefore he is reapplying to the Zoning Board of Appeals.

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

Motion: A motion was made by M. Gibbons and seconded by J. Ellis to close the hearing at 6:05 PM. **Motion passed 5-0.**

S. Goodwin asked for an update on the Solar II project appeal of the ZBA decision to send the applicant to Site Plan Review with the Planning Board. Ms. Antonellis stated that the appeal had been filed in Middlesex Superior Court and that there was no update at this point. She stated further that the applicant, though they appealed the ZBA decision, is still going through Site Plan Review with the Planning Board.

Prior to the 6:15 PM Public Hearing, Mr. Alan Manoian, Director of Community and Economic Development gave an overview of the history of the historic former Ayer Fire Station. The Town put out and RFP for the sale and redevelopment of the property. C. Donnell Homes bid on the project and was awarded the bid by the Ayer Board of Selectmen.

Public Hearing – Request for Variance – C. Donnell Homes, Inc. – 14 Washington Street (Filed August 25, 2017): S. Goodwin opened the Public Hearing at 6:15 PM by reading the public hearing notice

as advertised in the Nashoba Valley Voice on September 1, 2017 and September 8, 2017. The applicant seeks variances from the following in the Ayer Zoning Bylaw (2009): 3.3.2 to allow residential use on the street level; 3.3.2.1(d)(1) and 5.12 to allow residential use on lot approximately 9,870 sq. ft. where 10,000 is required; and 5.9 to allow living units to have not less than 700 sq. ft. floor area where 750 sq. ft. is required.

Attorney Tom Gibbons was in attendance to represent his client, C. Donnell Homes, Inc. and explained the request for the three variances and stated that they are looking to redevelop the structure into 8 or 9 residential units.

J. Ellis asked about providing parking spaces. S. Goodwin explained that parking spaces are not required in the Downtown Business District. Attorney Gibbons noted that approximately nine cars can fit across the front of the property.

Ms. Kim Pearl, 17 Pleasant Street stated that she was concerned because of the overall lack of parking for residents in the neighborhood. A. Manoiian stated that many people in younger generations are looking for housing that does not require a car and believes this is a good fit because it is a three minute walk to the Commuter Rail station.

Mr. John Burns, 24 Washington Street stated he had concerns about the number of parking spaces. Attorney Gibbons stated again that the number of parking spaces is not part of the variance request, as it is not required in the Downtown Business District.

M. Gibbons stated that he liked the project and was excited for the redevelopment.

J. Gugino stated that the building doesn't have much longer, due to its deteriorating state and she also was in favor of the project.

Motion: A motion was made by J. Ellis and seconded by M. Gibbons to approve all 3 variances as submitted by the applicant. **Motion passed 5-0.**

Motion: A motion was made by M. Gibbons and seconded by J. Ellis to close the hearing at 6:47 PM. **Motion passed 5-0.**

Public Hearing – Request for Special Permit & Finding – Gibby 5, LLC. - 15 Fitchburg Road (Filed August 25, 2017): S. Goodwin opened the Public Hearing at 6:47 PM by reading the public hearing notice as advertised in the Nashoba Valley Voice on September 1, 2017 and September 8, 2017. The applicant seeks a special permit to convert existing structure from a commercial use to a single family dwelling pursuant to Ayer Zoning Bylaw (2009) Section 3.3.2.2 (c) and a finding pursuant to Section 4.3.4 (b).

M. Gibbons recused himself because his Uncle is the President of Gibby 5, LLC.

Attorney Tom Gibbons, President/Owner of Gibby 5, LLC., stated that this home was converted into two businesses. Since that time both businesses have left and he has been unable to attract a business or businesses interested in the property. He is now seeking to convert the property back into a single family home and that there are residences on both sides of the property.

Ms. Shari Richard, 11 11 Fitchburg Road had general questions about the property which were answered by the applicant. She stated that she owns a multifamily home next to the subject property.

Motion: A motion was made by J. Ellis and seconded by J. Gugino to approve the Special Permit as requested by the applicant. **Motion passed 4-0.**

Motion: A motion was made by R. Defilippo and seconded by J. Ellis to close the hearing at 6:59 PM. **Motion passed 4-0.**

M. Gibbons rejoins the ZBA.

Approval of Meeting Minutes:

Motion: A motion was made by J. Ellis and seconded by M. Gibbons to approve the meeting minutes from July 19, 2017. **Motion passed 5-0.**

Adjournment:

Motion: A motion was made by S. Goodwin and seconded by J. Ellis to adjourn at 7:00 PM. **Motion passed 5-0.**

Minutes Recorded and Submitted by Carly M. Antonellis

Date Minutes Approved by ZBA: 10-18-17

Signature of Clerk Indicating Approval: 