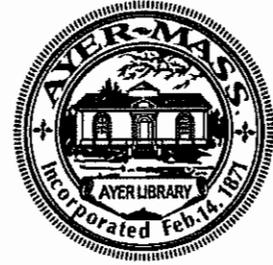


Town of Ayer  
Zoning Board of Appeals  
Ayer Town Hall  
1 Main Street  
Ayer, MA 01432



**Wednesday January 17, 2018**  
**Open Session Meeting Minutes**

**Present:** Samuel A. Goodwin, Jr., Chair; Michael Gibbons, Vice-Chair; John Ellis, Jess Gugino  
Carly M. Antonellis, Assistant to the Town Administrator

**Absent:** Ron Defilippo, Clerk

**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 S. Goodwin to approve the agenda. **Motion passed 4-0.**

**Public Hearing (continued from December 20, 2017)– Application for Special Permit – MB Realty Corp. \*\* WITHDRAWN BY APPLICANT 1/3/18\*\*o Groton Harvard Road (Filed 11/21/17):** C. Antonellis informed the ZBA that the applicant has withdrawn the application before the ZBA.

**Motion:** A motion was made by S. Goodwin and seconded by M. Gibbons to approve the withdrawal without prejudice for the MB Realty Corp. application. **Motion passed 4-0.**

**Public Hearing – Application for Variance – Global Partners, LP., 26-28 Harvard Road (Filed 12/21/17):** S. Goodwin opened the Public Hearing at 6:05 PM by reading the public hearing notice as advertised in the Nashoba Valley Voice on December 29, 2017 and January 5, 2018. The applicant is seeking a variance from Zoning Bylaw (2009) Article 4.4 Table of Use Regulations section 4.3 and 4.11, to allow for the location of a retail convenience store and fuel filling station in the Light Industrial District pursuant to Article 11.2.3.(b).

Attorney Tom Gibbons was in attendance for the applicant, Global Partners, LP. Because there were only four members in attendance, Attorney Gibbons asked for a brief recess.

After the recess, Attorney Tom Gibbons stated that Global Partners has a long-term lease with the current owner of 26-28 Harvard Road. He further explained that Global is permitted to construct a similar project at the “Gervais” site on 15 Littleton Road. Global prefers this site and will not develop 15 Littleton Road if they are able to develop 26-28 Harvard Road. He stated there was less impact on direct abutters at the Harvard Road site.

J. Gugino stated that for the record, she is also a member of the Conservation Commission.

Mr. Jesse Johnson from Bohler Engineering was in attendance and presented a short video clip about the proposed development. He explained to the ZBA that the soil conditions on the site were only optimal towards the west side of the property and the conditions deteriorated as you move east across the property.

Attorney Gibbons further explained that the building predated zoning and that it was “spot zoned” as Light Industrial at the time of zoning implementation in 1973. Attorney Gibbons told the ZBA, that property has been on the market since 2014 and they are unable to attract a user that would fit under “Light Industrial”. He then handed out a letter from Realtor Duncan Chapman on the difficulty marketing the land.

Attorney Gibbons stated that the approval of this variance can be granted because it is not detrimental to the neighborhood. He added that this will create jobs and additional revenue for the Town.

Abutter Ted Maxant stated that he was in favor of the ZBA granting the use variance.

J. Ellis was concerned about the departmental reviews from Planning and Economic Development.

J. Gugino asked a question about where the underground oil tanks will be stored. Attorney Gibbons stated to the front of the property.

M. Gibbons stated that the building on site now is dilapidated and he does not oppose the project. He pointed out that when Global was looking to develop the Littleton Road/Gervais land, there were many abutters opposing the project, which wasn't the case in this instance.

**Motion:** A motion was made by J. Ellis and seconded by M. Gibbons to approve the variance as sought by the applicant. **Motion passed 4-0.**

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

**Ms. Diana Gaviria – 35 Pleasant Street:** Ms. Gaviria came to the ZBA at the suggestion of the building commissioner because she is looking to either subdivide her lot or build a smaller structure on her lot to live in. ZBA members told Ms. Gaviria that without having a set of actual plans, they cannot make a determination and that if she were to submit an application, they would consider it fairly and openly.

**Approval of Meeting Minutes:**

**Motion:** A motion was made by J. Ellis and seconded by M. Gibbons to approve the meeting minutes from December 20, 2017. **Motion passed 4-0.**

**Adjournment:**

**Motion:** A motion was made by J. Ellis and seconded by S. Goodwin to adjourn at 7:20 PM. **Motion passed 4-0.**

**Minutes Recorded and Submitted by Carly M. Antonellis**

Date Minutes Approved by ZBA: 2/21/18

Signature of Clerk Indicating Approval: 