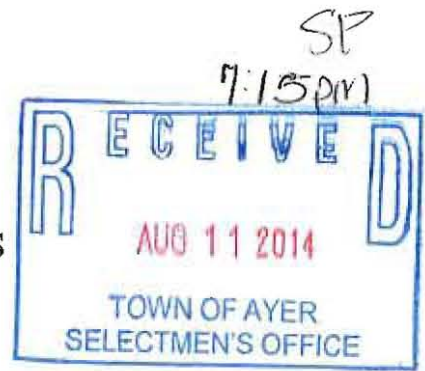


Town of Ayer
Zoning Board of Appeals
Training Room – Ayer Fire Station
1 West Main Street
Ayer, MA 01432

Wednesday October 8, 2014
Open Session Meeting Agenda

- 7:00pm Call to Order
Review and Approve Agenda; Announcements
- 7:05pm Public Input
- 7:10pm Mr. David Maher, Office of Economic Development
1. Community Development Block Grant Update
- 7:15pm Public Hearing – Special Permit
Global Montello Group Corp. (Filed 8/11/2014) – 15 Littleton Road
- 7:30pm Public Hearing – Variance
Global Montello Group Corp. (Filed 8/11/2014) – 15 Littleton Road
- 7:45pm Public Hearing – Variance (Continued from 9/15/14 Meeting with no quorum)
Rengard, LLC (Filed 7/18/14) – 126 West Main Street
- 8:00pm Public Hearing – Variance (Continued from 9/15/14 Meeting with no quorum)
Hunt RE Acquisitions, LLC. (Filed 8/25/14) - 19 Fitchburg Road
- 8:15pm Public Hearing – Finding/Appeal (Continued from 9/15/14 Meeting with no quorum)
Charles Sortino (Filed 8/20/14) – 53 Willard Street
- 8:30pm The Willows
1. Bond Reduction Request
2. Request for Non – Substantial Change
- 8:45pm Approval of Minutes
1. August 21, 2014
- 8:50pm New Business
- 8:55pm Scheduling of Next Meeting
- 9:00pm Adjournment

Town of Ayer
ZONING BOARD OF APPEALS
APPLICATION FOR A HEARING



Notes to the Petitioner:

1. All applications for a hearing must be received by the Ayer Zoning Administrator/ Office Manager and accompanied by:
 - (6) copies of a registered engineered drawing (size 8 ½ x 11 or 11 x 17), ✓
 - Certified list of abutters within 300 feet of the premise and certified by the Town of Ayer Board of Assessors. (all certified mail documents receipts are to be given with the application and **mailed by applicant with an abutters notice**)

2. The application, when completed and signed, must be filed with a non-refundable application fee of one hundred-sixty five dollars (\$165.00) and a legal ad fee of seventy four dollars (\$ 74.00). Both checks should be made payable to the "Town of Ayer".

3. The ZBA shall duly post and conduct a public hearing within 65 days of receiving a completed application and render a decision within 14 days of the close of the Public Hearing. The applicant must wait the appeal period (20 days) after filing the decision with the Town Clerk. The decision, or notice thereof, must be filed by the applicant, at the South Middlesex County Registry of Deeds in Cambridge. Prior to obtaining a building permit, the applicant must present evidence of Registry filing to the Building Inspector and ZBA. This evidence may be a receipt from the Registry with an Instrument number or proof of the Book and Page assigned.

Name of Applicant: Global Montello Group Corp. c/o Dan Berry
(Full Name)
800 South Street, Suite 500
(Address)
Waltham, MA 02453

Phone Number 781-402-8883

Applicant is (check one) Owner Tenant Licensee Prospective Buyer

The name and address of each holder or legal title to the land which is the subject of this petition (list as it appears on the Deed) Fifteen Littleton Realty Trust
Robert V. & Stephen L. Gervais, Trustees
5 Littleton Road
Ayer, MA 01432

State briefly the reasons for application:

Proposed retail motor fuel outlet which includes a 3,200 SF convenience store with a drive-thru donut shop and a retail fuel dispensing area with five fuel dispensers (10 fueling positions) and an overhead canopy. Also proposed is a separate diesel fuel dispensing area with three diesel truck fuel dispensers (2 fueling positions) and an overhead canopy.

A Special Permit is required from Section 4.4 Table 1.4.16 for the drive-thru window

Date: _____

Signed by J. Buef _____

(Petitioner)

800 South St. Suite 500

(Street Address)

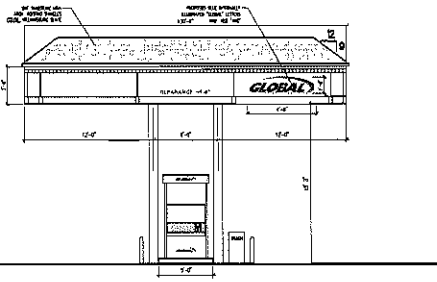
Waltham, MA 02454

(Daytime Telephone Number)

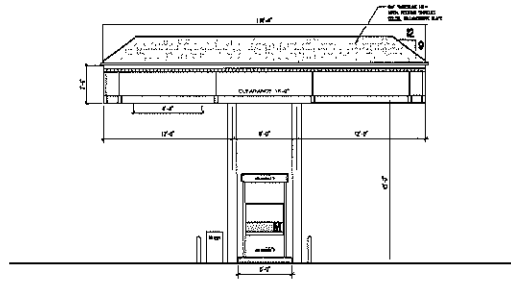
781-674-7780

Check List:

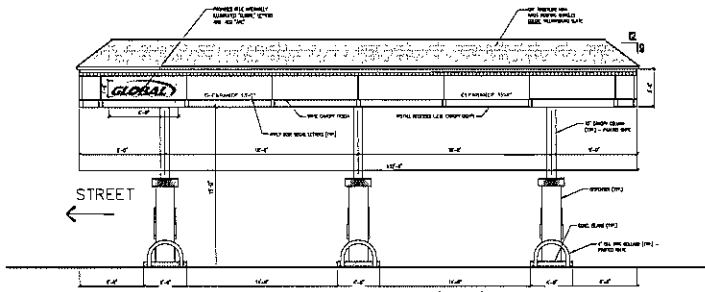
- _____ Completed application
- _____ Two checks made payable to "Town of Ayer" in the amount of \$165.00 & \$ 74.00.
- _____ Six (6) copies of the certified plot plan (8 ½ x 11 or 11 x 17)
- _____ List of abutters Certified by the Assessors office
- _____ Completed certified mail documents (certified mailing to be done by applicant and copied to ZBA's Office Manager along with receipts before the scheduled Public Hearing)



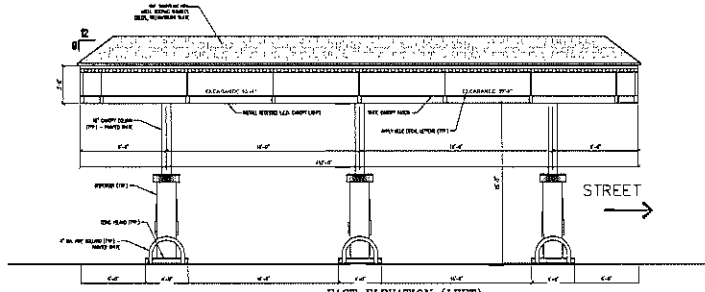
NORTH ELEVATION (FRONT)
SCALE: AS SHOWN



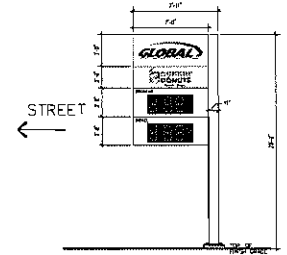
SOUTH ELEVATION (REAR)
SCALE: AS SHOWN



WEST ELEVATION (RIGHT)
SCALE: AS SHOWN



EAST ELEVATION (LEFT)
SCALE: AS SHOWN



STREET SIGN (72.37 SF)
SCALE: AS SHOWN



REVISIONS		
NO.	DATE	DESCRIPTION

NOTE: This conceptual plan is prepared for conceptual presentation purposes only and is not intended for utilization as a zoning and/or construction document. The existing conditions shown herein are based upon information that was supplied at the time of plan preparation and may be subject to change upon performance of additional due diligence.

NEW GAS STATION AND CONVENIENCE STORE

15 Littleton Road
Ayer, MA

CONCEPTUAL DIESEL CANOPY ELEVATIONS

Date: 7/16/2014
Scale: 3/16" = 1'-0"

Drawing Number: **C2**

LEGEND

- UTILITY POLE
- DRAIN MANHOLE
- SEWER MANHOLE
- TELEPHONE MANHOLE
- CATCH BASIN
- WATER LINE
- WATER VALVE
- FIRE HYDRANT
- GAS VALVE
- GAS LINE
- VERTICAL GRANITE CURB
- VERTICAL BITUMINOUS CURB
- OVERHEAD SERVICE WIRES
- DOUBLE SOLID YELLOW LINE
- SINGLE SOLID WHITE LINE
- SIGN
- OBSERVATION WELL
- BRUSH LINE
- SPOT ELEVATION
- CONTOUR ELEVATION
- PROP. VERTICAL GRANITE CURB
- PROP. VERTICAL BITUMINOUS CURB
- PROP. BITUMINOUS CONCRETE CURB

MAP 35 LOT 58
N/F MATTHEW J. KING
21 WILLARD STREET
AYER, MA 01432
BOOK 21798 PAGE 298

MAP 35 LOT 57
N/F SHARON M. LEWAY &
ROBERT SOULIA
17 WILLARD STREET
AYER, MA 01432
BOOK 32264 PAGE 516

MAP 35 LOT 56
N/F JAMES G. &
PATRICIA V. MIDDLEY
55 TYLER ROAD
TOWNSEND, MA 01469
BOOK 23394 PAGE 377

MAP 35 LOT 55
N/F L. TOCCI TRUST
35 LITTLETON ROAD
AYER, MA 01432
BOOK 12140 PAGE 252

MAP 35 LOT 36
N/F DARLENE SCRUTON
21 MARKHAM CIRCLE
AYER, MA 01432
BOOK 19885 PAGE 305

MAP 35 LOT 35
N/F ROGER & INEZ
SCRUTON
23 MARKHAM CIRCLE
AYER, MA 01432
BOOK 29226 PAGE 107

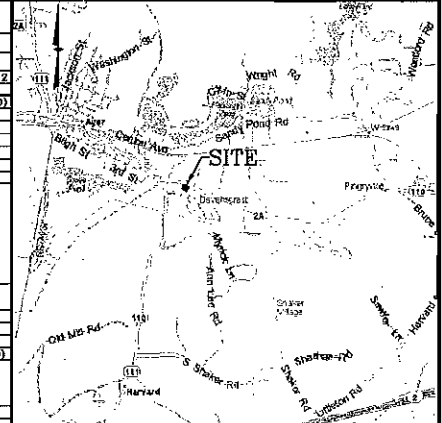
SIGN KEY

SIGN I.D. NUMBER	TEXT/COLOR	SIZE/REMARKS	NUMBER OF SIGNS
RI-1	STOP R/W	30" x 30" NEW SIGN WITH POST	3
RS-1	R/W	30" x 30" NEW SIGN WITH POST	3

N/F RENE F., Jr. &
DONNA J. DOUGETTE
25 MARKHAM CIRCLE
AYER, MA 01432
BOOK 36482 PAGE 355

TABLE OF ZONING REGULATIONS - AYER, MA

DESCRIPTION	ZONE: GENERAL BUSINESS (GB)	
	REQUIRED	PROVIDED
MINIMUM LOT AREA Sq. Ft.	15,000 SF	110,904 SF (2,548 Ac.±) - SEE NOTE 2
MINIMUM LOT FRONTAGE	100'	393.98'
MINIMUM FRONT YARD BUILDING SETBACK	75'	49' TO CANOPY (VARIANCE REQUIRED)
MINIMUM REAR YARD BUILDING SETBACK	30'	142'
MINIMUM SIDE YARD BUILDING SETBACK	30' WHEN ADJUTING RESIDENTIAL	62.7'
MIN. PUMP ISLAND SETBACK FROM R.O.W.	30'	58.2'
MIN. SPACING BETWEEN PUMP ISLANDS	30'	13.5' (VARIANCE REQUIRED)
MINIMUM FRONT LANDSCAPE STRIP	10'	10'
PARKING SPACE DIMENSIONS	10' x 20'	10' x 20'
MINIMUM NUMBER AUTO PARKING SPACES	RETAIL STORE: 1 SP/200 SF. OF G.F.A. DONUT SHOP: 1 PER 4 SEATS x 0 SEATS = 0 SPACES PLUS 1 PER 300 SF OF RETAIL AREA 311/200 = 2 SPACES TOTAL = 17 SPACES	17 SPACES
MINIMUM PARKING SETBACKS	10' FROM ANY BUILDING 8' FROM ANY PROPERTY LINE	10'
MINIMUM OPEN SPACE	20K x 110,904 SF = 22,180 SF	55,828 SF / 110,904 SF = 50.3%
MAXIMUM BUILDING HEIGHT	35'	24' ±
MAXIMUM BUILDING COVERAGE	60%	980 ± 3,240 ± 3,900 / 110,904 = 7.7%
PRESTANDING SIGN AREA/HEIGHT+SETBACK	40 SF, 15' MAX HEIGHT, 10' SETBACK	73 SF, 20' HT. (VARIANCE REQUIRED) ONE SIGN NOT TO EXCEED 40 SF PER TENANT
RESTAURANT DRIVE-THRU WINDOW STACKING	N/A	8



LOCATION MAP
(NOT TO SCALE)

NOTES:

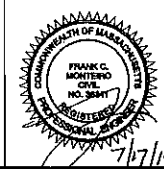
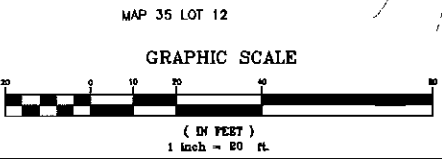
- 1) TAX MAP 35 LOT 26
- 2) ZONING DISTRICT: GENERAL BUSINESS (GB)
- 3) LOT AREA = 110,904 SF (2,548 Ac.±), 63,183 SF (1.45 Ac.±) PROPOSED LEASE AREA
- 4) EXISTING USE: VACANT PARCEL WITH A PAVED DRIVEWAY AND OPEN GRASSED AREA. PROPOSED USE: RETAIL MOTOR FUEL OUTLET WHICH INCLUDES A 3,200 SF CONVENIENCE STORE WITH A DRIVE-THRU AND A RETAIL FUEL DISPENSING AREA WITH FIVE FUEL DISPENSERS (10 FUELING POSITIONS) AND AN OVERHEAD CANOPY, THREE DIESEL TRUCK FUEL DISPENSERS (2 FUELING POSITIONS) AND AN OVERHEAD CANOPY.
- 5) THE FOLLOWING APPROVALS ARE REQUIRED FROM THE ZONING BOARD OF APPEALS:
 - a) A SPECIAL PERMIT IS REQUIRED FROM SECTION 4.4 TABLE 1.4.16 FOR THE DRIVE-THRU WINDOW.
 - b) A VARIANCE IS REQUIRED FROM SECTION 5.11 TO ALLOW 24" SPACING BETWEEN THE RETAIL FUEL DISPENSER ISLANDS WHERE 30" IS REQUIRED.
 - c) A VARIANCE IS REQUIRED FROM SECTION 5.11 TO ALLOW 14" SPACING BETWEEN THE DIESEL FUEL DISPENSER ISLANDS WHERE 30" IS REQUIRED.
 - d) A VARIANCE IS REQUIRED FROM SECTION 6.4.1 TO ALLOW A SIGN LARGER THAN 40 SF AND HIGHER THAN 15'.
 - e) A VARIANCE IS REQUIRED FROM SECTION 5.11 TO ALLOW 49' TO THE RETAIL FUEL CANOPY WHERE A 75' SETBACK IS REQUIRED.
- 6) ALL BUILDINGS AND SITE CONSTRUCTION SHALL COMPLY WITH THE US DEPARTMENT OF JUSTICE, 2010 ADA STANDARDS FOR ACCESSIBLE DESIGN.
- 7) THE LOCATIONS OF EXISTING SUBSURFACE UTILITIES SHOWN ON THIS PLAN WERE COMPILED FROM AVAILABLE RECORD DRAWINGS AND ARE NOT WARRANTED TO BE CORRECT. THE CONTRACTOR SHALL VERIFY THE LOCATION OF ALL EXISTING SUBSURFACE UTILITIES PRIOR TO PERFORMING ANY WORK.
- 8) WRITTEN DIMENSIONS ON THIS PLAN TAKE PRECEDENCE OVER SCALED DIMENSIONS. THE CONTRACTOR SHALL USE CAUTION WHEN SCALING REPRODUCED PLANS. IN THE EVENT OF A CONFLICT BETWEEN THIS PLAN SET AND ANY OTHER DRAWINGS AND/OR SPECIFICATIONS, THE ENGINEER SHALL BE NOTIFIED BY THE CONTRACTOR.
- 9) THE CONTRACTOR SHALL CALL AND COORDINATE WITH DISSAFE (811) PRIOR TO ANY EXCAVATION.
- 10) ALL CONSTRUCTION SHALL CONFORM TO THE APPLICABLE REGULATIONS AND STANDARDS OF THE TOWN OF AYER AND THE COMMONWEALTH OF MASSACHUSETTS.
- 11) THE SITE IS NOT WITHIN THE 100 YEAR FLOOD BOUNDARY HAZARD ZONE AS SHOWN ON THE FLOOD INSURANCE RATE MAP - COMMUNITY PANEL #25017C0212E FOR THE TOWN OF AYER DATED JUNE 4, 2010.
- 12) A SIGN PERMIT SHALL BE OBTAINED PRIOR TO INSTALLATION.
- 13) PROPOSED SNOW STORAGE AREAS AS SHOWN.
- 14) THE CONTRACTOR IS SOLELY RESPONSIBLE FOR THE MEANS AND METHODS OF CONSTRUCTION AND FOR CONDITIONS AT THE SITE. THESE PLANS, PREPARED BY MHF DESIGN CONSULTANTS, INC., DO NOT EXTEND TO OR INCLUDE SYSTEMS PERTAINING TO THE SAFETY OF THE CONSTRUCTION CONTRACTOR OR THEIR EMPLOYEES, AGENTS OR REPRESENTATIVES IN THE PERFORMANCE OF THE WORK. THE SEAL OF THE SURVEYOR AND/OR ENGINEER AS INCLUDED IN THE PLAN SET DOES NOT EXTEND TO ANY SUCH SAFETY SYSTEMS THAT MAY NOW OR HEREAFTER BE INCORPORATED INTO THESE PLANS. THE CONSTRUCTION CONTRACTOR SHALL PREPARE AND/OR OBTAIN THE APPROPRIATE SAFETY SYSTEMS WHICH MAY BE REQUIRED BY THE U.S. OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION (OSHA) AND/OR LOCAL REGULATIONS.
- 15) GENERAL CONTRACTOR IS RESPONSIBLE FOR OBTAINING A MASSACHUSETTS DEP-AR QUALITY PERMIT DWP AQ 06.

MAP 35 LOT 26
110,904 Sq.Ft.
2.546 Ac.±

FUTURE DEVELOPMENT
AREA BY OTHERS

MAP 35 LOT 25
N/F TRAFFIC CIRCLE
REALTY TRUST
ROBERT V. & STEPHEN L.
GERVAIS, Trustees
5 LITTLETON ROAD
AYER, MA 01432
BOOK 28555 PAGE 446

LITTLETON ROAD (ROUTES 2A & 110)



MHF Design Consultants, Inc.
44 Silas Road, Suite One
Salem, New Hampshire 03079
(603) 893-0720
ENGINEERS • PLANNERS • SURVEYORS
www.mhfdesign.com

SCALE: 1"=20'	DATE: JULY 3, 2014	DRAWING NO. 3507P55.DWG
DRAWN BY: PWM	CHECKED BY: FCM	PROJECT NO. 350714
		SHEET NO. 1 OF 1

OWNER OF RECORD:
FIFTEEN LITTLETON REALTY TRUST
ROBERT V. & STEPHEN L. GERVAIS, Trustees
5 LITTLETON ROAD
AYER, MASSACHUSETTS 01432
BOOK 44385 PAGE 430



Town of Ayer
Zoning Board of Appeals
Transmittal Form - Department Head Review

BOS
 BOH
 DPW
 Police Dept.
 Fire Dept.
 Building Inspector
 Con Com

Review Deadline Date 10-03-14
Public Hearing Date 10-08-14
7:15pm

Variance Special Permit Finding/Appeal

Title global montello Dated 8-11-14
15 Littleton Rd

Submitted by George Watts

Address 791 Main St. Telephone 978-342-7036
Fitchburg

This plan is submitted for your review, comments, and recommendations. Please return to the Town Administrator's Office by the Review Deadline Date so that the Zoning Board can consider your recommendation.

Approved Modifications Needed Disapprove

Comments: Received and reviewed by Town Administrator on 9/24/2014. Will defer to ZBA

Signed [Signature] Title Town Administrator

Date 9/24/2014



Town of Ayer
Zoning Board of Appeals
Transmittal Form - Department Head Review

BOS
 BOH
 DPW
 Police Dept.
 Fire Dept.
 Building Inspector
 Con Com

Review Deadline Date 10-03-14
 Public Hearing Date 10-08-14
7:15pm

Variance Special Permit Finding/Appeal

Title global mentello group Dated 8-11-14
15 Littleton Rd

Submitted by George Watts

Address 791 Main St Telephone 978-342-7036
Fitchburg

This plan is submitted for your review, comments, and recommendations. Please return to the Town Administrator's Office by the Review Deadline Date so that the Zoning Board can consider your recommendation.

Approved Modifications Needed Disapprove

Comments:

- Food service plans will need to be submitted prior to construction
- Tobacco permits need to be obtained if selling cigarettes etc.

Signed Bridgette Brady Title Health Agent

Date 9/22/14



Town of Ayer
Zoning Board of Appeals
Transmittal Form - Department Head Review

BOS
 BOH
 DPW
 Police Dept.
 Fire Dept.
 Building Inspector
 Con Com

Review Deadline Date 10-03-14
 Public Hearing Date 10-08-14
7:15pm

Variance Special Permit Finding/Appeal

Title Global Montello Corp Dated 8-11-14
15 Littleton Rd

Submitted by George Watts

Address 791 Main St. Telephone 978-342-7036
Fitchburg

This plan is submitted for your review, comments, and recommendations. Please return to the Town Administrator's Office by the Review Deadline Date so that the Zoning Board can consider your recommendation.

Approved Modifications Needed Disapprove
For Special Permit

Comments:

I will do a detailed review of site plan during the Planning Board Site plan review process

Signed Mark Wetzel
Mark Wetzel P.E.

Title Superintendent of Public Works

Date Sept 25, 2014

Town of Ayer
Zoning Board of Appeals
Transmittal Form - Department Head Review



- BOS
- BOH
- DPW
- Police Dept.
- Fire Dept.
- Building Inspector
- Con Com

Review Deadline Date 10-03-14
Public Hearing Date 10-08-14
7:15pm

Variance Special Permit Finding/Appeal

Title Global Martello Corp. Dated 8-11-14
15 Littleton Rd

Submitted by Attorney George Watts

Address 791 Main St. Telephone 978-342-7036
Fitchburg

This plan is submitted for your review, comments, and recommendations. Please return to the Town Administrator's Office by the Review Deadline Date so that the Zoning Board can consider your recommendation.

Approved Modifications Needed Disapprove

Comments:

Signed [Signature] Title Chief of Police

Date 9/17/14



Town of Ayer
Zoning Board of Appeals
Transmittal Form - Department Head Review

____ BOS
____ BOH
____ DPW
____ Police Dept.
 Fire Dept.
____ Building Inspector
____ Con Com

Review Deadline Date 10-03-14
Public Hearing Date 10-08-14
7:15pm

____ Variance Special Permit ____ Finding/Appeal

Title Global Montello Corp Dated 8-11-14
15 Littleton Rd

Submitted by George Watts

Address 7911 Main Street Telephone 978-342-7036
Fitchburg

This plan is submitted for your review, comments, and recommendations. Please return to the Town Administrator's Office by the Review Deadline Date so that the Zoning Board can consider your recommendation.

____ Approved ____ Modifications Needed ____ Disapprove

Comments: Fire Department concerns
1) 14' distance between diesel fuel pumps -
2) Limited access to Rear fuel area w/ 3 Employee parking spots
and only 11' between curbing and canopy

Signed [Signature] Title Fire Chief

Date 9/17/14



Town of Ayer
Zoning Board of Appeals
Transmittal Form - Department Head Review

- BOS
- BOH
- DPW
- Police Dept.
- Fire Dept.
- Building Inspector
- Con Com

Review Deadline Date 10-03-14
 Public Hearing Date 10-08-14
7:15pm

Variance Special Permit Finding/Appeal

Title global Montello Corp Dated 8-11-14
15 Littleton Rd

Submitted by George Watts

Address 791 main st. Telephone 978-342-7036
Fitchburg

This plan is submitted for your review, comments, and recommendations. Please return to the Town Administrator's Office by the Review Deadline Date so that the Zoning Board can consider your recommendation.

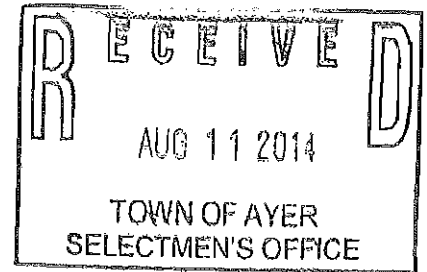
Approved Modifications Needed Disapprove

Comments: NO OBJECTIONS TO 'SPECIAL PERMIT'
FOR DRIVE-THRU.

Signed [Signature]
 Date 30, Sep '14

Title Build. Comm.

Town of Ayer
ZONING BOARD OF APPEALS
APPLICATION FOR A HEARING



Notes to the Petitioner:

1. All applications for a hearing must be received by the Ayer Zoning Administrator/ Office Manager and accompanied by:
 - (6) copies of a registered engineered drawing (size 8 ½ x 11 or 11 x 17), ✓
 - Certified list of abutters within 300 feet of the premise and certified by the Town of Ayer Board of Assessors. (all certified mail documents receipts are to be given with the application and **mailed by applicant with an abutters notice**)
2. The application, when completed and signed, must be filed with a non-refundable application fee of one hundred-sixty five dollars (\$165.00) and a legal ad fee of seventy four dollars (\$ 74.00). Both checks should be made payable to the "Town of Ayer".
3. The ZBA shall duly post and conduct a public hearing within 65 days of receiving a completed application and render a decision within 14 days of the close of the Public Hearing. The applicant must wait the appeal period (20 days) after filing the decision with the Town Clerk. The decision, or notice thereof, must be filed by the applicant, at the South Middlesex County Registry of Deeds in Cambridge. Prior to obtaining a building permit, the applicant must present evidence of Registry filing to the Building Inspector and ZBA. This evidence may be a receipt from the Registry with an Instrument number or proof of the Book and Page assigned.

Name of Applicant: Global Montello Group Corp. c/o Dan Berry
(Full Name)
800 South Street, Suite 500
(Address)
Waltham, MA 02453

Phone Number 781-402-8883

Applicant is (check one) Owner Tenant Licensee Prospective Buyer

The name and address of each holder or legal title to the land which is the subject of this petition (list as it appears on the Deed) Fifteen Littleton Realty Trust
Robert V. & Stephen L. Gervais, Trustees
5 Littleton Road
Ayer, MA 01432

Location of Property 15 Littleton Road

Assessor's Map 35 Parcel 26 Land Size 110,904 SF Parcel
63,183 SF Lease Area

Zoning District (circle one) A-1 A-2 GR GB DB LI HI

Registry of Deeds Book 44335 Page 430

Water Overlay District (circle one) Zone I Zone II N/A

The undersigned hereby petitions the Town of Ayer Zoning Board of Appeals to vary the terms of the Zoning Bylaws for the following purpose:

- X A VARIANCE from the requirements of the Town of Ayer Zoning Bylaws
- A SPECIAL PERMIT for a specific use which is subject the approval of the Zoning Board of Appeals (For Home Occupations see Page 3 of this Form)
- A SPECIAL PERMIT to expand, alter, or change a non-conforming use or structure.
- ADMINISTRATIVE APPEAL (i.e. Building Inspector Decision)
- Other (Please specify):

Did you request a building permit from the Town of Ayer Building Inspector? No
Yes/No

If you were denied a permit, please attach a copy of the decision or state the reasons for the denial. _____

State briefly the reasons for application:

Proposed retail motor fuel outlet which includes a 3,200 SF convenience store with a drive-thru donut shop and a retail fuel dispensing area with five fuel dispensers (10 fueling positions) and an overhead canopy. Also proposed is a separate diesel fuel dispensing area with three diesel truck fuel dispensers (2 fueling positions) and an overhead canopy.

A variance is required from Section 5.11 to allow 24' spacing between the retail fuel dispenser islands where 30' is required.

A variance is required from Section 5.11 to allow 14' spacing between the diesel fuel dispenser islands where 30' is required.

A variance is required from Section 8.4.1 to allow a sign larger than 40 SF and higher than 15'.

A variance is required from Section 5.11 to allow 49' to the retail fuel canopy where a 75' setback is required.

Date: _____

Signed by _____



(Petitioner)

800 South St. Suite 500

(Street Address)

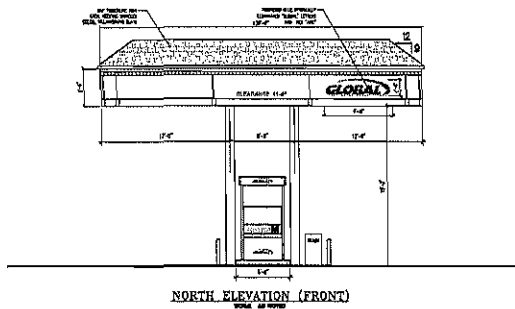
Waltham, MA 02454

(Daytime Telephone Number)

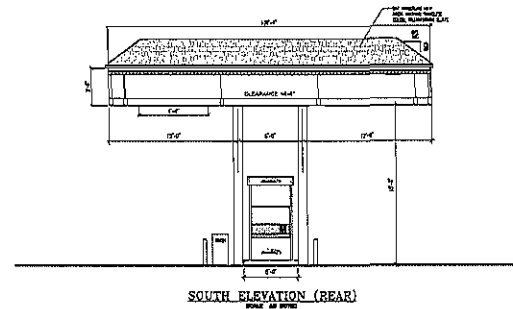
781-674-7780

Check List:

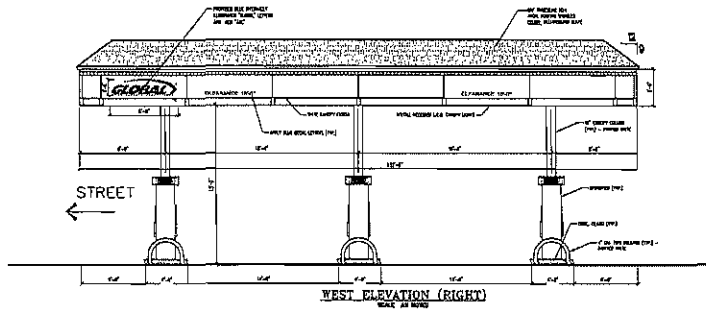
- _____ Completed application
- _____ Two checks made payable to "Town of Ayer" in the amount of \$165.00 & \$ 74.00.
- _____ Six (6) copies of the certified plot plan (8 ½ x 11 or 11 x 17)
- _____ List of abutters Certified by the Assessors office
- _____ Completed certified mail documents (certified mailing to be done by applicant and copied to ZBA's Office Manager along with receipts before the scheduled Public Hearing)



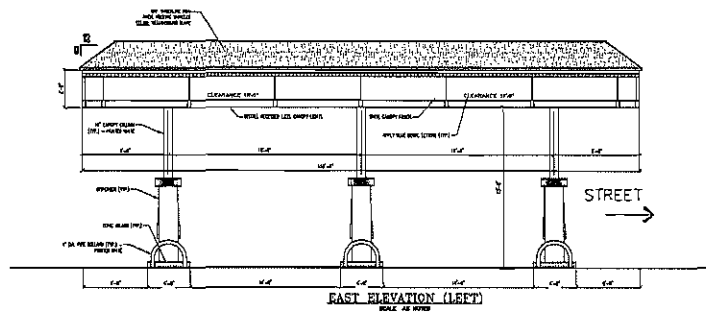
NORTH ELEVATION (FRONT)
SCALE AS NOTED



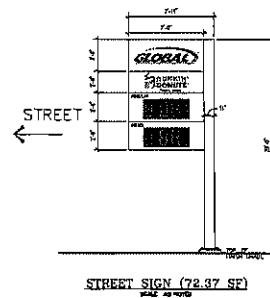
SOUTH ELEVATION (REAR)
SCALE AS NOTED



WEST ELEVATION (RIGHT)
SCALE AS NOTED



EAST ELEVATION (LEFT)
SCALE AS NOTED



STREET SIGN (72.37 SF)
SCALE AS NOTED



REVISION:	NO.	DATE	DESCRIPTION

NOTE: This conceptual plan is prepared for conceptual presentation purposes only and is not intended for utilization as a zoning and/or construction document. The existing conditions shown herein are based upon information that was supplied at the time of plan preparation and may be subject to change upon performance of additional due diligence.

NEW GAS STATION AND CONVENIENCE STORE

15 Littleton Road
Ayer, MA

CONCEPTUAL DIESEL CANOPY ELEVATIONS

Date: 7/16/2014
Scale: 3/16" = 1'-0"

Drawing Number: **C2**

LEGEND

- UTILITY POLE
- DRAIN MANHOLE
- SEWER MANHOLE
- TELEPHONE MANHOLE
- CATCH BASIN
- WATER LINE
- WATER VALVE
- FIRE HYDRANT
- GAS VALVE
- GAS LINE
- VERTICAL GRANITE CURB
- VERTICAL GRANITE CURB
- OVERHEAD SERVICE WIRES
- DOUBLE SOLID YELLOW LINE
- SINGLE SOLID WHITE LINE
- SIGN
- OBSERVATION WELL
- BRUSH LINE
- SPOT ELEVATION
- CONTOUR ELEVATION
- PROP. VERTICAL CONCRETE CURB
- PROP. VERTICAL GRANITE CURB
- PROP. RETAINING CONCRETE CURB

MAP 35 LOT 56
N/F MATTHEW J. KING
21 WILLARD STREET
AYER, MA 01432
BOOK 21798 PAGE 298

MAP 35 LOT 57
N/F SHARON M. LEWY &
ROBERT SOLLIA
17 WILLARD STREET
AYER, MA 01432
BOOK 32264 PAGE 516

MAP 35 LOT 58
N/F JAMES G. &
PATRICIA V. HODGLEY
55 TYLER ROAD
TOWNSEND, MA 01469
BOOK 23394 PAGE 377

MAP 35 LOT 55
N/F L. TOCCI TRUST
35 LITTLETON ROAD
AYER, MA 01432
BOOK 12140 PAGE 252

MAP 35 LOT 35
N/F DARLENE SCRUTON
21 MARKHAM CIRCLE
AYER, MA 01432
BOOK 19895 PAGE 305

MAP 35 LOT 35
N/F ROGER & INEZ
SCRUTON
23 MARKHAM CIRCLE
AYER, MA 01432
BOOK 29226 PAGE 107

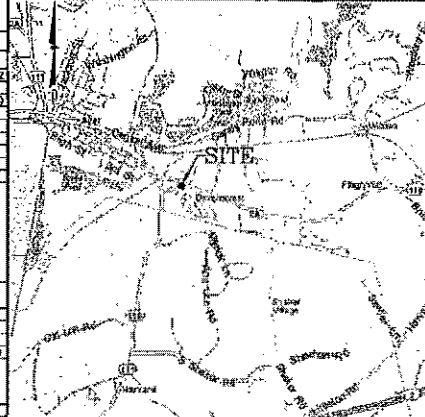
SIGN KEY

SIGN I.D. NUMBER	TEXT/COLOR	SIZE/REMARKS	NUMBER OF SIGNS
81-1	STOP R/W	30" x 30" NEW SIGN WITH POST	3
85-1	STOP R/W	30" x 30" NEW SIGN WITH POST	3

TABLE OF ZONING REGULATIONS - AYER, MA

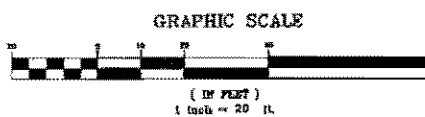
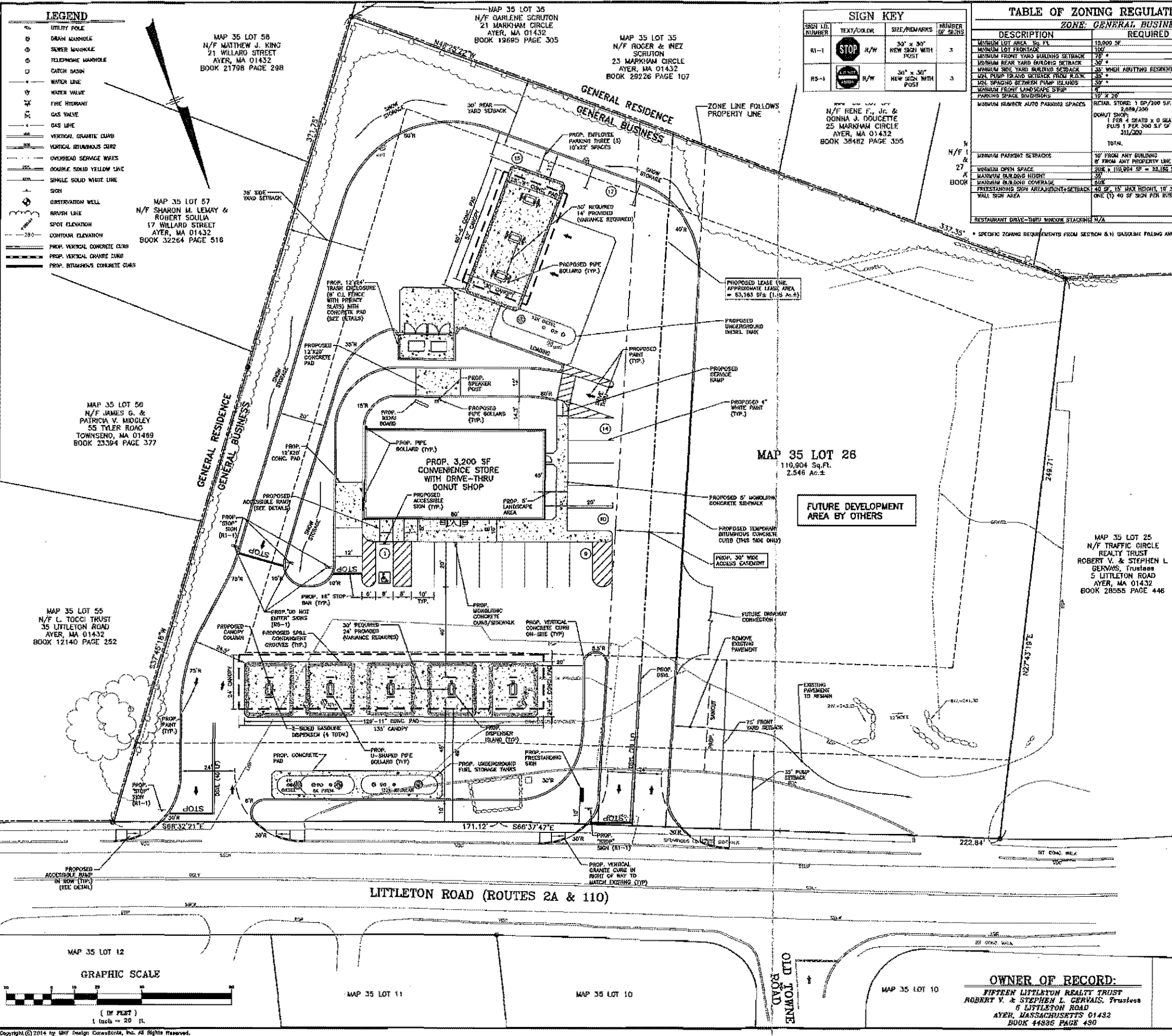
ZONE: GENERAL BUSINESS (GB)

DESCRIPTION	REQUIRED	PROVIDED
MINIMUM LOT AREA, SQ. FT.	15,000 SF	110,904 SF (2,546 AC.±)
MINIMUM LOT FRONTAGE	100'	392.65'
MINIMUM FRONT YARD BUILDING SETBACK	75'	49' 30" CANOPY (VARIANCE REQUIRED)
MINIMUM REAR YARD BUILDING SETBACK	30'	145'
MINIMUM SIDE YARD BUILDING SETBACK	35' WHEN ADJUTING RESIDENTIAL	62.7'
MINIMUM FRONT YARD LANDSCAPE STRIP	5'	56.7'
MINIMUM FRONT LANDSCAPE STRIP	5'	13.0' (VARIANCE REQUIRED)
PARKING SPACE DIVISIONS	10' x 20'	10' x 30'
MINIMUM NUMBER AUTO PARKING SPACES	RETAIL: 2.00/1,000 SF OF G.F.A. 2,546/1,000 = 2.55 SPACES DONUT SHOP: 1 FOR 4 SEATS x 0 SEATS = 0 SPACES PLUS 1 PER 500 SF OF RETAIL AREA 211,000 TOTAL: = 17 SPACES	17 SPACES
MINIMUM PARKING SETBACKS	10' FROM ANY BUILDING 5' FROM ANY PROPERTY LINE	10'
MINIMUM OPEN SPACE	200' x 100.00' SF = 20,000 SF	65,808 SF / 110,904 SF = 59.4%
MAXIMUM BUILDING HEIGHT	35'	24'
MAXIMUM BUILDING COVERAGE	40%	50% x 3.00 = 150% (100% = 7.7%)
PRESTANDING SIGN AREA/HEIGHT+SETBACK	40 SF, 15' MAX HEIGHT, 10' SETBACK	75 SF, 20' H.L. (VARIANCE REQUIRED)
WALL SIGN AREA	ONE (1) 40 SF SIGN FOR BUSINESS USE	ONE SIGN NOT TO EXCEED 40 SF PER SIGN
RESTAURANT DRIVE-THRU WINDOW STAGING	N/A	0



NOTES:

- TAX MAP 35 LOT 26
- ZONING DISTRICT: GENERAL BUSINESS (GB)
- LOT AREA = 110,904 SF (2,546 AC.±), 63,183 SF (1.45 AC.±) PROPOSED LEASE AREA
- EXISTING USE: VACANT PARCEL WITH A PAVED DRIVEWAY AND OPEN GRASSY AREA. PROPOSED USE: RETAIL MOTOR FUEL OUTLET WHICH INCLUDES A 3,200 SF CONVENIENCE STORE WITH A DRIVE-THRU DONUT SHOP AND A RETAIL FUEL DISPENSING AREA WITH FIVE FUEL DISPENSERS (16 FUELING POSITIONS) AND AN OVERHEAD CANOPY, THREE DIESEL TRUCK FUEL DISPENSERS (8 FUELING POSITIONS) AND AN OVERHEAD CANOPY.
- THE FOLLOWING APPROVALS ARE REQUIRED FROM THE ZONING BOARD OF APPEALS:
 - A SPECIAL PERMIT IS REQUIRED FROM SECTION 4.4 TABLE 1.4.16 FOR THE DRIVE-THRU WINDOW.
 - A VARIANCE IS REQUIRED FROM SECTION 5.11 TO ALLOW 20' SPACING BETWEEN THE RETAIL FUEL DISPENSER ISLANDS WHERE 30' IS REQUIRED.
 - A VARIANCE IS REQUIRED FROM SECTION 5.11 TO ALLOW 14' SPACING BETWEEN THE DIESEL FUEL DISPENSER ISLANDS WHERE 30' IS REQUIRED.
 - A VARIANCE IS REQUIRED FROM SECTION 5.4.1 TO ALLOW A SIGN LARGER THAN 40 SF AND HIGHER THAN 15'.
 - A VARIANCE IS REQUIRED FROM SECTION 5.11 TO ALLOW 49' TO THE RETAIL FUEL CANOPY WHERE A 75' SETBACK IS REQUIRED.
- ALL BUILDINGS AND SITE CONSTRUCTION SHALL COMPLY WITH THE US DEPARTMENT OF JUSTICE, 2010 ADA STANDARDS FOR ACCESSIBLE DESIGN.
- THE LOCATIONS OF EXISTING SUBSURFACE UTILITIES SHOWN ON THIS PLAN WERE COMPILED FROM AVAILABLE RECORD DRAWINGS AND ARE NOT WARRANTED TO BE CORRECT. THE CONTRACTOR SHALL VERIFY THE LOCATION OF ALL EXISTING SUBSURFACE UTILITIES PRIOR TO PERFORMING ANY WORK.
- WRITTEN DIMENSIONS ON THIS PLAN TAKE PRECEDENCE OVER SCALED DIMENSIONS. THE CONTRACTOR SHALL USE CAUTION WHEN SCALING REPRODUCED PLANS. IN THE EVENT OF A CONFLICT BETWEEN THIS PLAN SET AND ANY OTHER DRAWINGS AND/OR SPECIFICATIONS, THE LARGEST SHALL BE PREVALENT BY THE CONTRACTOR.
- THE CONTRACTOR SHALL CALL AND COORDINATE WITH DEPT. (911) PRIOR TO ANY EXCAVATION.
- ALL CONSTRUCTION SHALL CONFORM TO THE APPLICABLE REGULATIONS AND STANDARDS OF THE TOWN OF AYER AND THE COMMONWEALTH OF MASSACHUSETTS.
- THE SITE IS NOT WITHIN THE 100 YEAR FLOOD DRAINAGE WAZARD ZONE AS SHOWN ON THE FLOOD INSURANCE RATE MAP - COMMUNITY PANEL 2501720212E FOR THE TOWN OF AYER DATED JUNE 4, 2010.
- A SIGN PERMIT SHALL BE OBTAINED PRIOR TO INSTALLATION.
- PROPOSED SNOW STORAGE AREAS AS SHOWN.
- THE CONTRACTOR IS SOLELY RESPONSIBLE FOR THE MEANS AND METHODS OF CONSTRUCTION AND FOR CONDITIONS AT THE SITE. THESE PLANS, PREPARED BY MHF DESIGN CONSULTANTS, INC., DO NOT EXTEND TO OR INCLUDE SYSTEMS PERTAINING TO THE SAFETY OF THE CONSTRUCTION CONTRACTOR OR THEIR EMPLOYEES, AGENTS OR REPRESENTATIVES IN THE PERFORMANCE OF THE WORK. THE SEAL OF THE SURVEYOR AND/OR ENGINEER AS INCLUDED IN THE PLAN SET DOES NOT EXTEND TO ANY SUCH SAFETY SYSTEMS THAT MAY NOW OR HEREAFTER BE INCORPORATED INTO THESE PLANS. THE CONSTRUCTION CONTRACTOR SHALL PREPARE AND/OR OBTAIN THE APPROPRIATE SAFETY SYSTEMS WHICH MAY BE REQUIRED BY THE U.S. OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION (OSHA) AND/OR LOCAL REGULATIONS.
- GENERAL CONTRACTOR IS RESPONSIBLE FOR OBTAINING A MASSACHUSETTS DEP-OR QUALITY PERMIT DWP AQ 03.



OWNER OF RECORD:
FIFTEEN LITTLETON REALTY TRUST
ROBERT V. & STEPHEN L. GERVAIS, Trustees
6 LITTLETON ROAD
AYER, MASSACHUSETTS 01432
BOOK 44895 PAGE 430



NO.	DESCRIPTION	BY	DATE
1	MISC. REVISIONS PER MEETING WITH TOWN	HS	7/17/14

REVISIONS

PRELIMINARY SITE PLAN

ASSESSORS MAP 35 LOT 26
15 LITTLETON ROAD
AYER, MASSACHUSETTS

PREPARED FOR:
GLOBAL MONTELLO GROUP CORP.
800 SOUTH STREET, SUITE 600
WALTHAM, MASSACHUSETTS 02453

MHF Design Consultants, Inc.
44 Silas Road, Suite One
Salem, New Hampshire 03079
(603) 893-0720
ENGINEERS • PLANNERS • SURVEYORS
www.mhfdesign.com

SCALE: 1"=20'
DATE: JULY 3, 2014
DRAWN BY: PFM
CHECKED BY: FCM
PROJECT NO.: 350714
SHEET NO.: 1 OF 1

F:\Projects\LAND\250714\350714PS.dwg psp 7/17/14 4:45pm bh



Town of Ayer
Zoning Board of Appeals
Transmittal Form - Department Head Review

- BOS
- BOH
- DPW
- Police Dept.
- Fire Dept.
- Building Inspector
- Con Com

Review Deadline Date 10-03-14
 Public Hearing Date 10-08-14
7:30 pm

Variance Special Permit Finding/Appeal

Title Global Montello Corp Dated 8-11-14
15 Littleton Rd

Submitted by attorney George Watts

Address 791 Main St. Telephone 978-342-7036
Fitchburg

This plan is submitted for your review, comments, and recommendations. Please return to the Town Administrator's Office by the Review Deadline Date so that the Zoning Board can consider your recommendation.

Approved Modifications Needed Disapprove

Comments: Received and reviewed by Town Administrator on 9/24/2014. Will defer to Public Safety officials re: Variances pertaining to diesel and fuel dispensers and their spacing.

Signed [Signature] Title Town Administrator

Date 9/24/2014



Town of Ayer
Zoning Board of Appeals
Transmittal Form - Department Head Review

BOS
 BOH
 DPW
 Police Dept.
 Fire Dept.
 Building Inspector
 Con Com

Review Deadline Date 10-03-14
Public Hearing Date 10-08-14
7:30 pm

Variance Special Permit Finding/Appeal

Title Global Martello Corp Dated 8-11-14
15 Littleton Rd

Submitted by attorney George Watts

Address 791 Main St. Telephone 978-342-7036
Fitchburg

This plan is submitted for your review, comments, and recommendations. Please return to the Town Administrator's Office by the Review Deadline Date so that the Zoning Board can consider your recommendation.

Approved Modifications Needed Disapprove

Comments: Tobacco Permits need to be obtained if selling Cigarettes etc.
- Food Service plans need to be submitted prior to construction

Signed Bridgeth Maly Title Health Agent

Date 9/22/14



Town of Ayer
Zoning Board of Appeals
Transmittal Form - Department Head Review

- BOS
- BOH
- DPW
- Police Dept.
- Fire Dept.
- Building Inspector
- Con Com

Review Deadline Date 10-03-14
 Public Hearing Date 10-08-14
7:30 pm

Variance Special Permit Finding/Appeal

Title Global Mantello Corp Dated 8-11-14
15 Littleton Rd

Submitted by attorney George Watts

Address 791 Main St. Telephone 978-342-7036
Fitchburg

This plan is submitted for your review, comments, and recommendations. Please return to the Town Administrator's Office by the Review Deadline Date so that the Zoning Board can consider your recommendation.

Approved Modifications Needed Disapprove

Comments:

Signed [Signature]

Title Chief of Police

Date 9/17/14



Town of Ayer
Zoning Board of Appeals
Transmittal Form - Department Head Review

_____	BOS	Review Deadline Date	<u>10-03-14</u>
_____	BOH	Public Hearing Date	<u>10-08-14</u>
_____	DPW		<u>7:30 pm</u>
_____	Police Dept.		
<input checked="" type="checkbox"/>	Fire Dept.		
_____	Building Inspector		
_____	Con Com		

Variance _____ Special Permit _____ Finding/Appeal

Title Global Mantello Corp Dated 8-11-14
15 Littleton Rd

Submitted by attorney George Watts

Address 791 Main St. Telephone 978-342-7036
Fitchburg

This plan is submitted for your review, comments, and recommendations. Please return to the Town Administrator's Office by the Review Deadline Date so that the Zoning Board can consider your recommendation.

_____ Approved _____ Modifications Needed _____ Disapprove

Comments: Fire Department Concerns:

- 1) 14 foot distance between diesel pumps - increase risk for collision
- 2) Limited Access to rear Fuel AREA due to 3 employee parking spots and only 11' between curbing and canopy

Signed [Signature] Title Fire Chief

Date 9/17/14

BUILDING COMMISSIONER

TOWN OF AYER

GABRIEL J. VELLANTE JR.
TOWN HALL
1 MAIN ST.
AYER, MA. 01432

TELEPHONE (978) 772-8214

30, Sep., '14

Zoning Board of Appeals

Re:
Global Gas Station
5 Littleton Rd., Ayer, MA.

I have reviewed the above referenced application requesting variances from the Town Zoning By-laws.

By-laws are proposed by the Planning Board of other entity after much research, deliberation and public input. The proposed by-laws is then voted at Annual Meeting. This is a forum in which the residence of the town establish the living standards for the town.

Any applicant that petitions the ZBA for a variance is asking for special permission to break the rules.

I find that the 4 variances before the Board in this petition have no merit. The developer is trying to overdevelop the property and wants the town to compromise the standards approved at town meeting for such a development. These issues were discussed in our initial meeting with the developer and various other Department heads.

In my opinion the applicant has not demonstrated any hardship that would warrant the granting of such variances.

Sincerely,

 _____

Gabriel J. Vellante Jr.
Building Commissioner/Zoning Enforcement Officer

Cc: File

Cf. C/Ayer/I/Littleton/n005/zba-ltr14023

RECEIVED
TOWN CLERK
TOWN OF AYER
2014 JUL 18 AM 11:43

Thomas A. Gibbons, Esq.
tgibbons@tgibbonslaw.com
Licensed to practice in MA & NH

Telephone: 978-772-2284
GENERAL FAX: 978-772-0802

Law Office of Thomas A. Gibbons, PC.

www.tgibbonslaw.com

21 Park Street
Ayer, MA 01432

Victoria Horan, Esq.
vhoran@tgibbonslaw.com
Licensed to practice in MA & NH

Richard Cody, Esq.
rcody@tgibbonslaw.com
Licensed to practice in MA

July 18, 2014

Susan Copeland, Town Clerk
Ayer Town Hall
1 Main Street
Ayer, MA 01432

RE: 126 West Main Street, Ayer

Dear Ms. Copeland,

Pursuant to MGL Ch 40A § 15, please accept for filing on behalf of the Ayer Zoning Board of Appeals, the application for Rengard, LLC of Ayer, Massachusetts for a variance for lot area at 126 West Main Street, Ayer, Massachusetts. As such please find attached the following documentation:

- An original completed application for a hearing for the Town of Ayer Zoning Board of Appeals and a copy of the same,
- A check in the amount of One Hundred Sixty Five Dollars (\$165.00),
- A check in the amount of Seventy Four Dollars (\$74.00)
- 7 copies of a certified plot plan/Zoning Variance Plan
- A certified list of abutters and the completed certified mail documents for each abutter with postage thereon.

Also attached for reference, please find three potential proposed plans for the erection of such a dwelling on the above-mentioned property.

Plan 1 --Proposes a garage is added to the existing dwelling unit and attached to the existing dwelling unit's garage is a second dwelling unit. The two units would be attached via the garages. This plan does not require a variance.

Plan 2 -- Proposes the existing dwelling unit be connected to the second dwelling unit by a breezeway with parking located in the rear and between the two dwellings. This plan does not require a variance.

Plan 3 --Proposes the existing dwelling unit remain unchanged and a second dwelling unit to be located in the rear of the property. **This is the preferred plan and does**

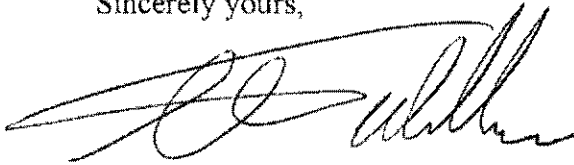
require a variance.

My client would like to move forward with Plan 3 however, a zoning variance would be required for this plan due to insufficient lot sizes. Please see the chart below for the zoning requirements.

Zoning District: General Residence	Requirement	Provided Lot 1	Provided Lot 2
Lot Area	10,000 S.F	6412 S.F	8108 S.F.
Frontage	100'	157.56'	182.99'
Front yard	20'	4' existing	20' min.
Side yard	10'	27' 20' to entry	11'
% lot covered	30% max	22%	24%

We respectfully request permission to appear before the Zoning Board to discuss this application. If you have any questions or concerns regarding these matters, please do not hesitate to contact me.

Sincerely yours,



Thomas A. Gibbons, Esq.

Enclosures
TAG/jc

Town of Ayer
ZONING BOARD OF APPEALS
APPLICATION FOR A HEARING

Notes to the Petitioner:

1. All applications for a hearing must be received by the Ayer Zoning Administrator/ Office Manager and accompanied by:
 - (6) copies of a registered engineered drawing (size 8 ½ x 11 or 11 x 17),
 - Certified list of abutters within 300 feet of the premise and certified by the Town of Ayer Board of Assessors. (all certified mail documents receipts are to be given with the application and **mailed by applicant with an abutters notice**)

2. The application, when completed and signed, must be filed with a non-refundable application fee of one hundred-sixty five dollars (\$165.00) and a legal ad fee of seventy four dollars (\$ 74.00). Both checks should be made payable to the "Town of Ayer".

3. The ZBA shall duly post and conduct a public hearing within 65 days of receiving a completed application and render a decision within 14 days of the close of the Public Hearing. The applicant must wait the appeal period (20 days) after filing the decision with the Town Clerk. The decision, or notice thereof, must be filed by the applicant, at the South Middlesex County Registry of Deeds in Cambridge. Prior to obtaining a building permit, the applicant must present evidence of Registry filing to the Building Inspector and ZBA. This evidence may be a receipt from the Registry with an Instrument number or proof of the Book and Page assigned.

Name of Applicant: Rengard, LLC
PO Box 664, _____ (Full Name)
Ayer, MA 01432 (Address)

Phone Number 978-772-2284 c/o Law Office of Thomas A. Gibbons, P.C.

Applicant is (check one) Owner Tenant Licensee Prospective Buyer

The name and address of each holder or legal title to the land which is the subject of this petition (list as it appears on the Deed) Rengard, LLC, PO Box 664, Ayer, MA 01432

Location of Property 126 West Main Street, Ayer, MA 01432

Assessor's Map 025 Parcel 13 Land Size 0.33 acres

Zoning District (circle one) A-1 A-2 GR GB DB LI HI

Registry of Deeds Book 63757 Page 523

Water Overlay District (circle one) Zone I Zone II N/A

The undersigned hereby petitions the Town of Ayer Zoning Board of Appeals to vary the terms of the Zoning Bylaws for the following purpose:

- A VARIANCE from the requirements of the Town of Ayer Zoning Bylaws
- A SPECIAL PERMIT for a specific use which is subject the approval of the Zoning Board of Appeals (For Home Occupations see Page 3 of this Form)
- A SPECIAL PERMIT to expand, alter, or change a non-conforming use or structure.
- ADMINISTRATIVE APPEAL (i.e. Building Inspector Decision)
- Other (Please specify):

Did you request a building permit from the Town of Ayer Building Inspector? No
Yes/No

If you were denied a permit, please attach a copy of the decision or state the reasons for the denial. N.A.

State briefly the reasons for application:

Requesting a variance from lot size requirements
to create two lots from one existing lot which existing
lot has a single family home thereon. Proposed Lot 1 to
have 6,412 square feet. Proposed Lot 2 to have 8,109
square feet.

Date: 6/27/14

Signed by Maura E. Burt Manager
(Petitioner)

c/o Law Office of Thomas A. Gibbons, P.C.

(Street Address)
21 Park Street, Ayer, MA 01432

Check List:

(Daytime Telephone Number)

c/o Law Office of Thomas A. Gibbons, P.C.
978-772-2284

- _____ Completed application
- _____ Two checks made payable to "Town of Ayer" in the amount of \$165.00 & \$ 74.00.
- _____ Six (6) copies of the certified plot plan (8 ½ x 11 or 11 x 17)
- _____ List of abutters Certified by the Assessors office
- _____ Completed certified mail documents (certified mailing to be done by applicant and copied to ZBA's Office Manager along with receipts before the scheduled Public Hearing)

Notification to Abutters

Name of Applicant: Rengard, LLC

Date of Public Hearing _____

Address of property where activity is proposed: 126 West Main Street, Ayer, MA 01432

Explanation of activity:

Requesting a variance from lot size requirements to create two lots from one existing lot which existing lot has a single family home thereon. Proposed Lot 1 to have 6,412 square feet. Proposed Lot 2 to have 8,109 square feet.

Copies of the application are available at the Ayer Town Hall/Clerk's Office Monday through Friday from 8:30AM-5:00PM.

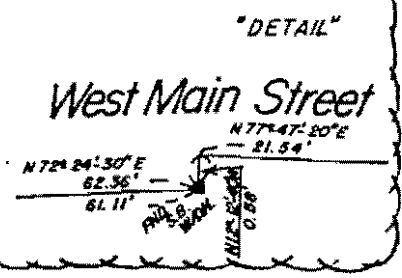
Information regarding the time and date of the Public Hearing will be published in the Public Spirit Newspaper.

Notice of the Public Hearing including the time and date will be posted in the Ayer Town Hall 48 hours in advance.

Plan No.
1207
Recorded
at 8:41 AM
11/14/02
Middlesex
South ROB

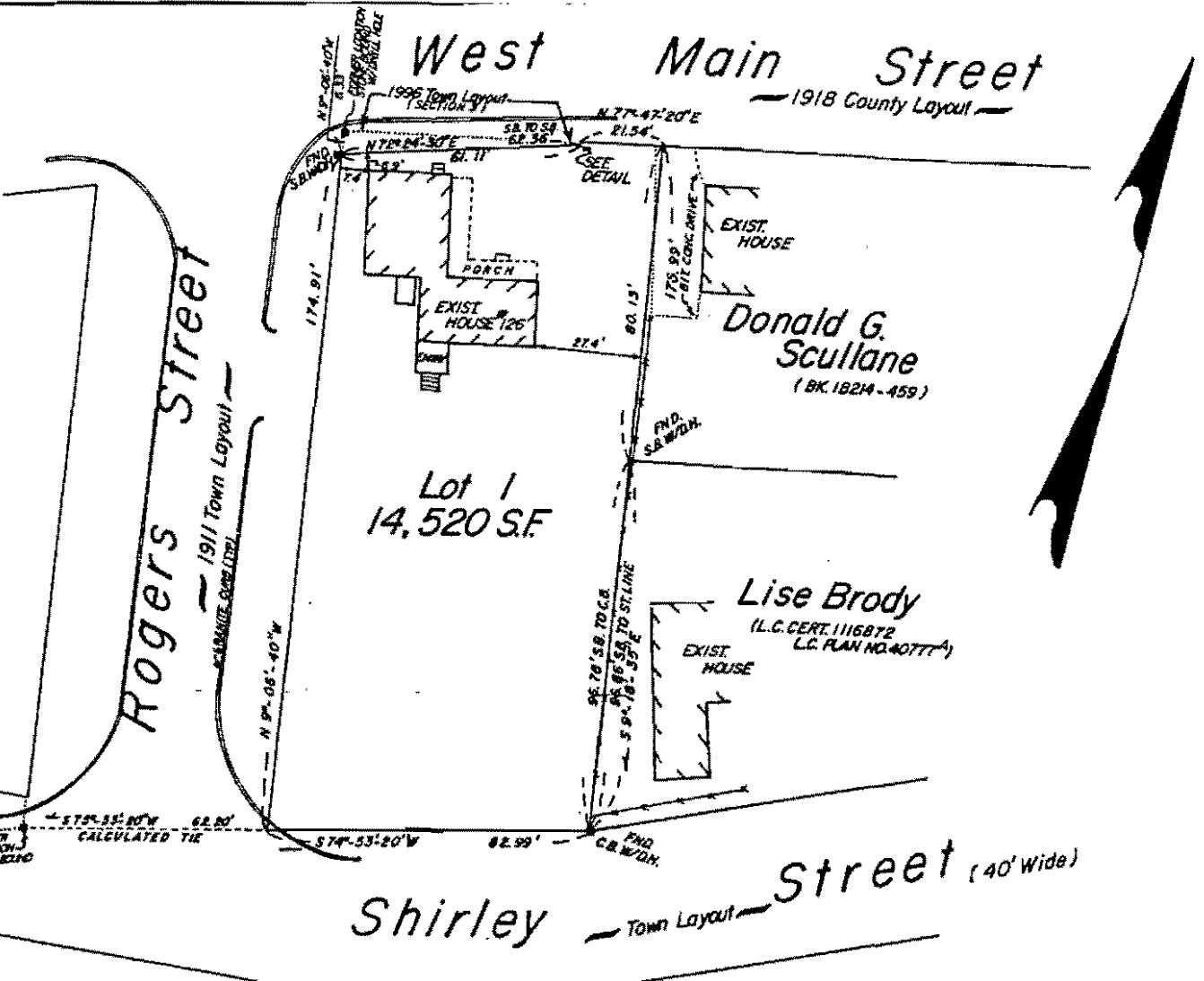
West Main Street

— 1918 County Layout —



M.G.L. C41 S81-X Surveyor's Certificate:
I HEREBY CERTIFY THAT THE PROPERTY LINES SHOWN ON THIS PLAN ARE THE LINES DIVIDING EXISTING OWNERSHIPS, AND THE LINES OF THE STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED, AND THAT NO NEW LINES FOR THE DIVISION OF EXISTING OWNERSHIP OR FOR NEW WAYS ARE SHOWN.

7/23/2002
DATE — SURVEYOR



Shirley Street (40' Wide)

ZONING DISTRICT: General Residence

Ayer Planning Board	
APPROVAL UNDER SUBDIVISION CONTROL LAW	
NOT REQUIRED	C 41 S 81 - P
DATE:	
See Surveyor's Certificate.	

I CERTIFY THAT THIS PLAN CONFORMS WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS

7/23/2002
DATE — SURVEYOR

PLAN OF LAND IN
Ayer, Mass.
PREPARED FOR
Mary G. Gardner
SCALE 1" = 20' JULY, 2002

David E. Ross Associates, Inc.
CIVIL ENGINEERS
LAND SURVEYORS
ENVIRONMENTAL CONSULTANTS
PO BOX 368 - WITCHAMUNG RD - AYER, MASS 01432
(TEL NO 978-772-6232)
JOB NO 17084 PLAN NO M-5281

SURV. M.K.M.	CALC. M.K.M.	DRAFTED P.L.T.	CKD. M.K.M.	DEED BK. 6280 - 188
NS 440 - 34	REF L-6121, M-2466, L-7303, M-1298, M-845			

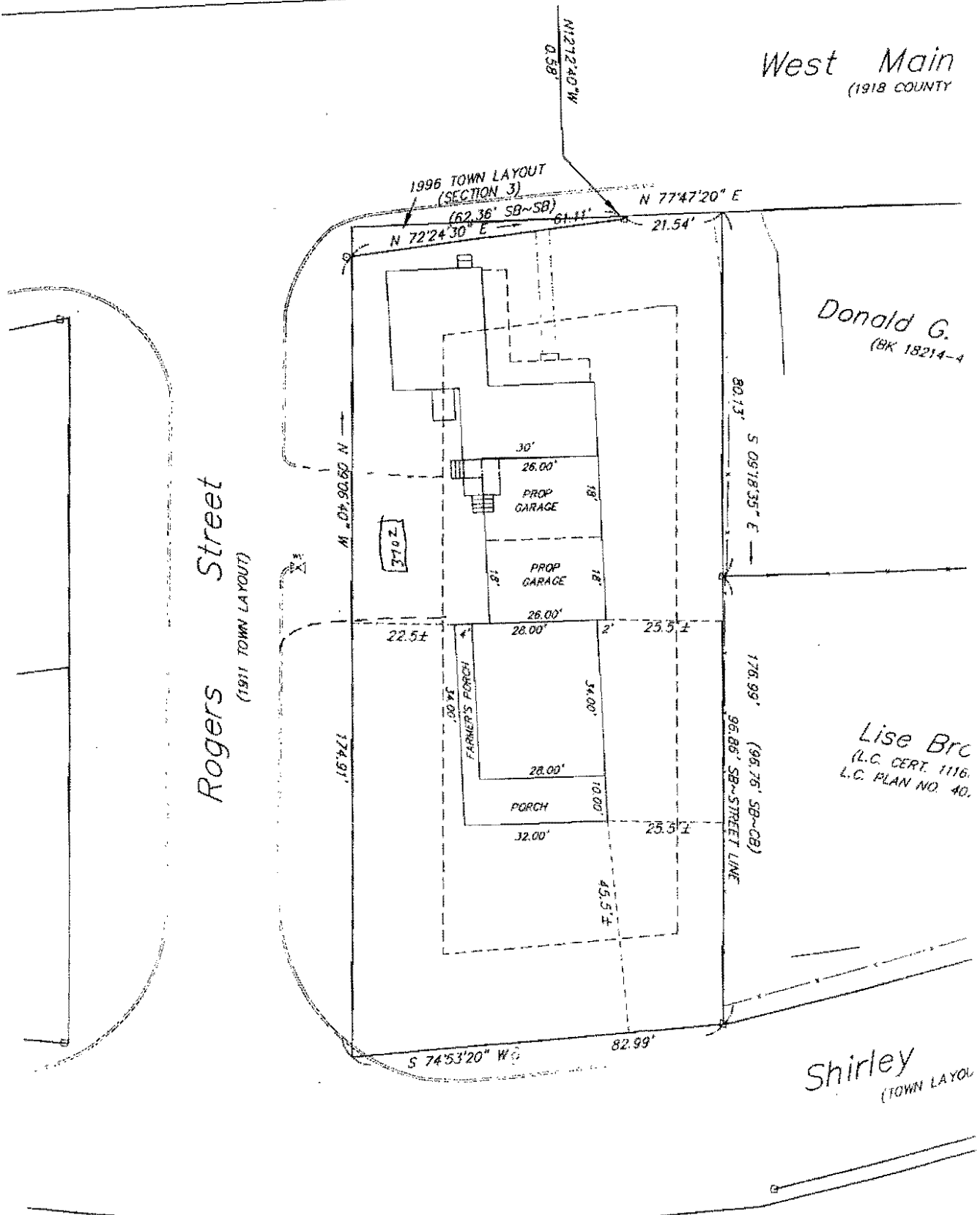
WEST MAIN

Zoning District 1 General Residence

Required Lot Area (2 dwelling units)	13000 SF	14520 SF
Frontage	100	340.55'
Front Yard	20	22' (4'± exists dwelling)
Side Yard	10	25'
Rear Yard	25	N/A

1

67' 8" ht



WEST MAI

Zoning District General Purpose
 Required 13000 SF
 Available 14520

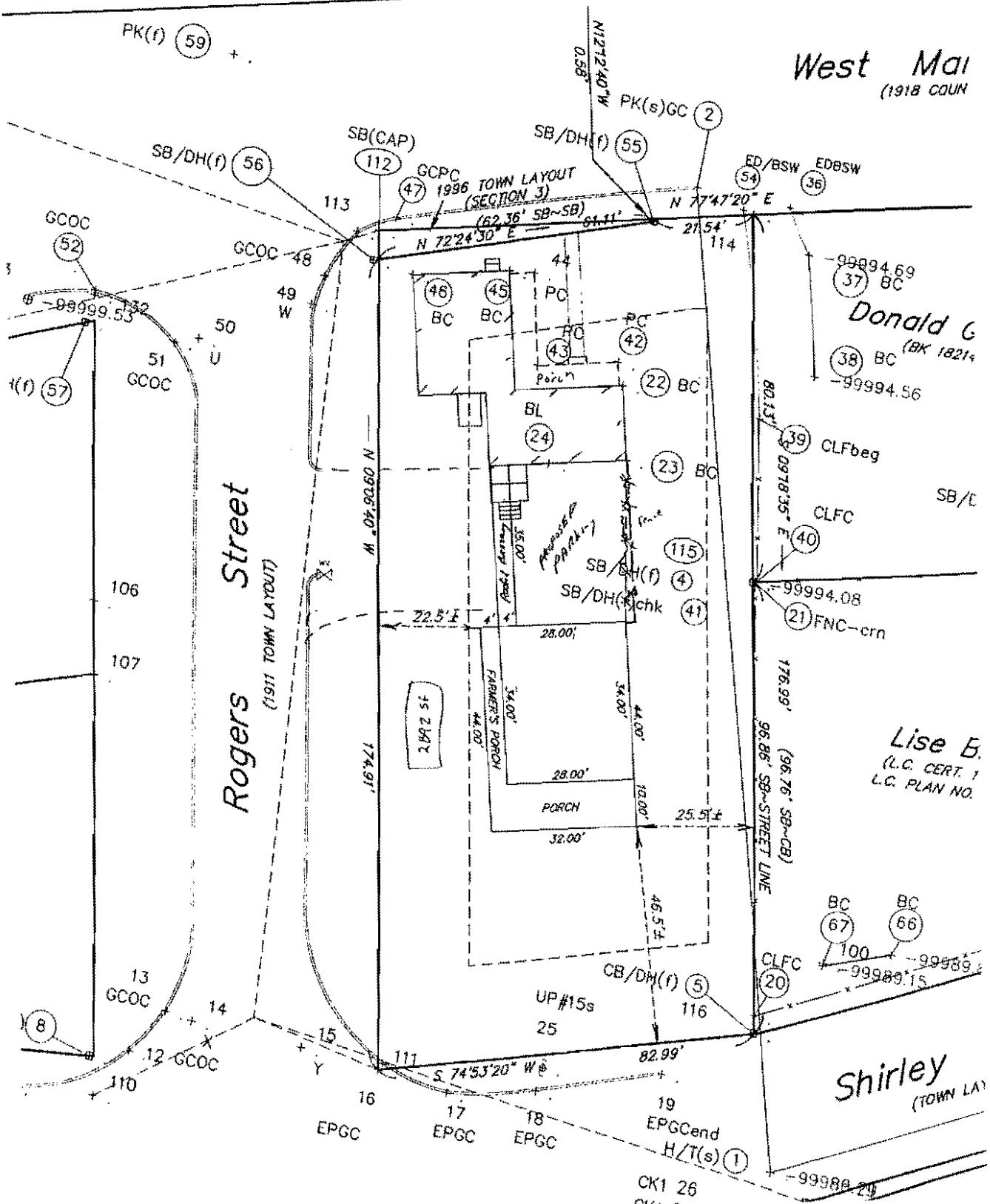
Required lot area
 (2 dwelling units)
 Frontage 100'
 Front yard 20'
 Side yard 10'
 Rear yard 25'

340.55
 22' (4 1/2' to exist. alley)
 25'
 N/A

2

By Right of Easement

70 Lot coverage # 30% 20%



WEST MAIR

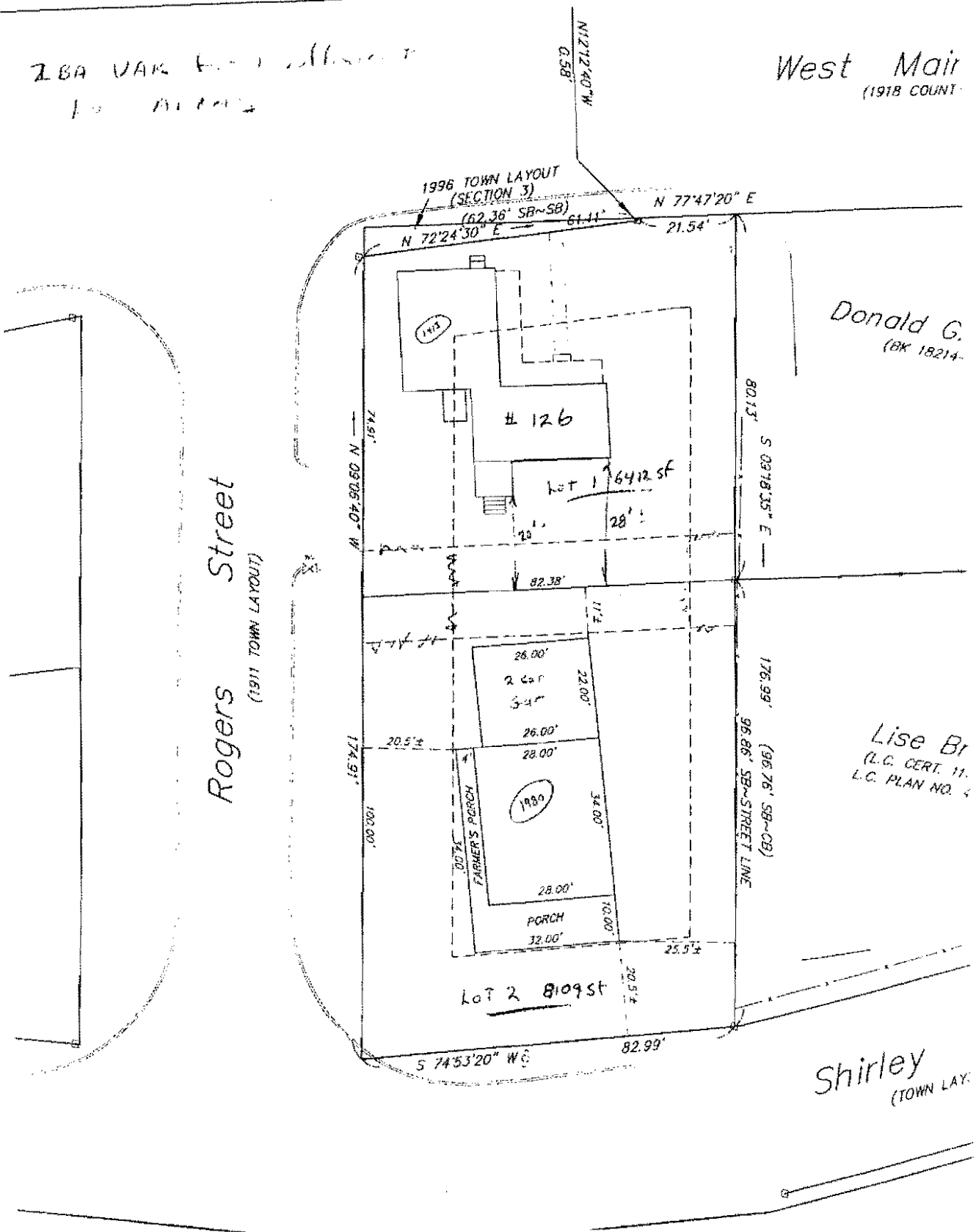
Zoning District: General Residence

		Lot 1	Lot 2
Required Lot AREA	10000 SF	6412	8108
Frontage	100'	157.56 Total	182.99
Front yard	20'	4' Existing	20 min
Side yard	10'	27'	11'
Rear yard	25'	(20' To Entry)	N/A
% Lot coverage	30% max	N/A	24%

3

ZBA VAR for...
to...

West Mair
(1918 COUNT)





Town of Ayer
Zoning Board of Appeals
Transmittal Form - Department Head Review

BOS
 BOH
 DPW
 Police Dept.
 Fire Dept.
 Building Inspector
 Con Com

Review Deadline Date 9-11-14
Public Hearing Date 9-15-14

Variance Special Permit Finding/Appeal

Title Rengard 1126 West Main St Dated 7-18-14

Submitted by Rengard, LLC / Attorney Tom Gibbons

Address ANY GIBBONS
851 Park St Telephone 772-2284

This plan is submitted for your review, comments, and recommendations. Please return to the Town Administrator's Office by the Review Deadline Date so that the Zoning Boards can consider your recommendation.

Approved Modifications Needed Disapprove

Comments: Reviewed. Defer to ZBA.

Signed Robert A. Petrucci

Title Town Administrator

Date 9/11/2014



Town of Ayer
Zoning Board of Appeals
Transmittal Form - Department Head Review

BOS
 BOH
 DPW
 Police Dept.
 Fire Dept.
 Building Inspector
 Con Com

Review Deadline Date 9-11-14
Public Hearing Date 9-15-14

Variance Special Permit Finding/Appeal

Title Rengard / 126 West Main St Dated 7-18-14

Submitted by Rengard, LLC / Attorney Tom Gibbons

Address 126 West Main St Telephone 772-2284

This plan is submitted for your review, comments, and recommendations. Please return to the Town Administrator's Office by the Review Deadline Date so that the Zoning Boards can consider your recommendation.

Approved Modifications Needed Disapprove

Comments: NO issues as long as the property on town sewer and town water

Signed Bridgeth Maly Title Heath Agent

Date 9/22/14



Town of Ayer
Zoning Board of Appeals
Transmittal Form - Department Head Review

BOS
 BOH
 DPW
 Police Dept.
 Fire Dept.
 Building Inspector
 Con Com

Review Deadline Date 9-11-14
Public Hearing Date 9-15-14

Variance Special Permit Finding/Appeal

Title Rengard / 126 West Main St Dated 7-18-14

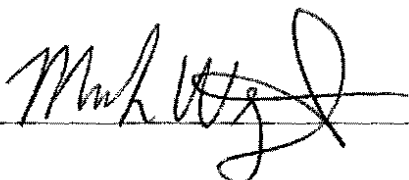
Submitted by Rengard, LLC / Attorney Tom Gibbons

Address ANY GIBBONS
251 PARK ST Telephone 772-2284

This plan is submitted for your review, comments, and recommendations. Please return to the Town Administrator's Office by the Review Deadline Date so that the Zoning Boards can consider your recommendation.

Approved Modifications Needed Disapprove

Comments:

Signed 

Title DPW Supt

Date 9/8/14



Town of Ayer
Zoning Board of Appeals
Transmittal Form - Department Head Review

- BOS
- BOH
- DPW
- Police Dept.
- Fire Dept.
- Building Inspector
- Con Com

Review Deadline Date 9-11-14
 Public Hearing Date 9-15-14

Variance Special Permit Finding/Appeal

Title Rengard 1126 West Main St Dated 7-18-14

Submitted by Rengard, LLC / Attorney Tom Gibbons

Address Amy Gibbons 851 Park St Telephone 772-2284

This plan is submitted for your review, comments, and recommendations. Please return to the Town Administrator's Office by the Review Deadline Date so that the Zoning Boards can consider your recommendation.

Approved Modifications Needed Disapprove

Comments:

Signed [Signature]

Title Chief of Police

Date 9/4/2014



Town of Ayer
Zoning Board of Appeals
Transmittal Form - Department Head Review

BOS
 BOH
 DPW
 Police Dept.
 Fire Dept.
 Building Inspector
 Con Com

Review Deadline Date 9-11-14
Public Hearing Date 9-15-14

Variance Special Permit Finding/Appeal

Title Rengard / 126 West Main St Dated 7-18-14

Submitted by Rengard, LLC / Attorney Tom Gibbons

Address ANY GIBBONS
OSIPAVIC ST Telephone 772-2284

This plan is submitted for your review, comments, and recommendations. Please return to the Town Administrator's Office by the Review Deadline Date so that the Zoning Boards can consider your recommendation.

Approved Modifications Needed Disapprove

Comments: No concerns from Fire Dept

Signed [Signature]

Title 9/4/14

Date Fire Chief



Town of Ayer
Zoning Board of Appeals
Transmittal Form - Department Head Review

- BOS
- BOH
- DPW
- Police Dept.
- Fire Dept.
- Building Inspector
- Con Com

Review Deadline Date 9-11-14
 Public Hearing Date 9-15-14

Variance Special Permit Finding/Appeal

Title Rengard 1126 West Main St Dated 7-18-14

Submitted by Rengard, LLC / Attorney Tom Gibbons

Address ANY Gibbons 031 Park St Telephone 772-2284

This plan is submitted for your review, comments, and recommendations. Please return to the Town Administrator's Office by the Review Deadline Date so that the Zoning Boards can consider your recommendation.

Approved Modifications Needed Disapprove

Comments: *I FEEL THAT OPTION 3, THE CREATION OF TWO LOTS, IS THE BETTER OF ALL THE PROPOSALS, AND WOULD RECOMMEND GRANTING THE REQUESTED 'VARIANCE'*
FUTURE CONSTRUCTION WILL REQUIRE A 'SECTION 6' FINDINGS FROM THE ZBO PRIOR TO CONSTRUCTION.

Signed *[Signature]*
 Date 2. Sep 14.

Title BUILDING COMMISSIONER



Town of Ayer
Zoning Board of Appeals
Transmittal Form - Department Head Review

<input type="checkbox"/>	BOS	Review Deadline Date	<u>9-11-14</u>
<input type="checkbox"/>	BOH	Public Hearing Date	<u>9-15-14</u>
<input type="checkbox"/>	DPW		
<input type="checkbox"/>	Police Dept.		
<input type="checkbox"/>	Fire Dept.		
<input checked="" type="checkbox"/>	Building Inspector		
<input type="checkbox"/>	Con Com		

Variance Special Permit Finding/Appeal

Title Rengard / 126 West Main St Dated 7-18-14

Submitted by Rengard, LLC / Attorney Tom Gibbons

Address ANY Gibbons
201 Park St Telephone 772-2284

This plan is submitted for your review, comments, and recommendations. Please return to the Town Administrator's Office by the Review Deadline Date so that the Zoning Boards can consider your recommendation.

Approved Modifications Needed Disapprove

Comments:
non-jurisdictional

Signed J. G. [Signature]

Title Becky DaSilva-Conde
Conservation Administrator

Date 9/11/2014

Law Office of Thomas A. Gibbons, PC.

Thomas A. Gibbons, Esq.
tgibbons@tgibbonslaw.com
Licensed to practice in MA & NH

www.tgibbonslaw.com

21 Park Street
Ayer, MA 01432

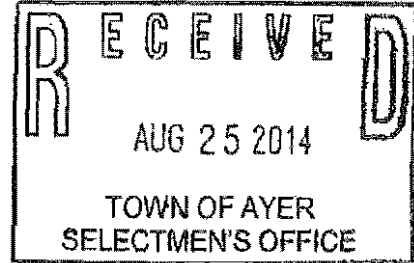
Victoria Horan, Esq.
vhoran@tgibbonslaw.com
Licensed to practice in MA & NH

Telephone: 978-772-2284
GENERAL FAX: 978-772-0802

Richard Cody, Esq.
rcody@tgibbonslaw.com
Licensed to practice in MA

August 25, 2014

Robert Pontbriand-Town Administrator
Ayer Town Hall
1 Main Street
Ayer, MA 01432



RE: 19 Fitchburg Road, Ayer, MA
My File: 14-8006

Dear Mr. Pontbriand,

Pursuant to MGL Ch 40A § 15, please accept for filing on behalf of the Ayer Zoning Board of Appeals, the application for Hunt RE Acquisitions, LLC of Tampa, Florida for a variance for 19 Fitchburg Road, Ayer, Massachusetts. As such please find attached the following documentation:

- An original completed application for a hearing for the Town of Ayer Zoning Board of Appeals and a copy of the same,
- A check in the amount of One Hundred Sixty Five Dollars (\$165.00),
- A check in the amount of Seventy Four Dollars (\$74.00)
- 7 copies of a certified plot plan/Zoning Variance Plan
- A certified list of abutters and the completed certified mail documents for each abutter with postage thereon.

We respectfully request permission to appear before the Zoning Board to discuss this application. If you have any questions or concerns regarding these matters, please do not hesitate to contact me.

Sincerely yours,

Thomas A. Gibbons, Esq.
Enclosures
TAG/jc

ARVIDSON FAMILY TRUST

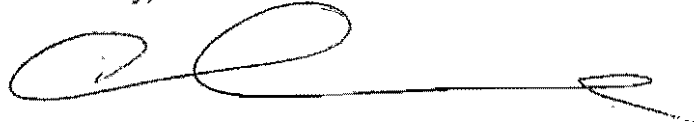
Ayer Zoning Board of Appeals
1 Main Street
Ayer, MA 01432

August 25, 2014

Dear Honorable Members of the Town of Ayer Zoning Board of Appeals,

Please accept this letter as authorization for Hunt RE Acquisitions, LLC to file its application for variances related to the property known as and numbered 19 Fitchburg Road, Ayer, MA, which is owned by the Arvidson Family Trust.

Sincerely,

A handwritten signature in black ink, consisting of a large, stylized 'C' followed by a long horizontal line that ends in a small loop.

Clayton Arvidson, Trustee of the
Arvidson Family Trust

Town of Ayer
ZONING BOARD OF APPEALS
APPLICATION FOR A HEARING

Notes to the Petitioner:

1. All applications for a hearing must be received by the Ayer Zoning Administrator/ Office Manager and accompanied by:
 - (6) copies of a registered engineered drawing (size 8 ½ x 11 or 11 x 17),
 - Certified list of abutters within 300 feet of the premise and certified by the Town of Ayer Board of Assessors. (all certified mail documents receipts are to be given with the application and mailed by applicant with an abutters notice)
2. The application, when completed and signed, must be filed with a non-refundable application fee of one hundred-sixty five dollars (\$165.00) and a legal ad fee of seventy four dollars (\$ 74.00). Both checks should be made payable to the "Town of Ayer".
3. The ZBA shall duly post and conduct a public hearing within 65 days of receiving a completed application and render a decision within 14 days of the close of the Public Hearing. The applicant must wait the appeal period (20 days) after filing the decision with the Town Clerk. The decision, or notice thereof, must be filed by the applicant, at the South Middlesex County Registry of Deeds in Cambridge. Prior to obtaining a building permit, the applicant must present evidence of Registry filing to the Building Inspector and ZBA. This evidence may be a receipt from the Registry with an Instrument number or proof of the Book and Page assigned.

Name of Applicant: Hunt RE Acquisitions, LLC
5100 W. Kennedy Blvd, Ste 100 (Full Name)
Tampa FL 33609 (Address)

Phone Number c/o Thomas A. Gibbons, Esq. 978-772-2284

Applicant is (check one) ___ Owner ___ Tenant ___ Licensee Prospective Buyer

The name and address of each holder or legal title to the land which is the subject of this petition (list as it appears on the Deed) Arvidson Family Trust; PO Box 329, Ayer, MA 01432

Location of Property 19 Fitchburg Road, Ayer, MA 01432

Assessor's Map 11 Parcel 51 Land Size 0.95 acres

Zoning District (circle one) A-1 A-2 GR GB DB LI HI

Registry of Deeds Book 21051 Page 47

Water Overlay District (circle one) Zone I Zone II N/A

The undersigned hereby petitions the Town of Ayer Zoning Board of Appeals to vary the terms of the Zoning Bylaws for the following purpose:

X A VARIANCE from the requirements of the Town of Ayer Zoning Bylaws

 A SPECIAL PERMIT for a specific use which is subject the approval of the Zoning Board of Appeals (For Home Occupations see Page 3 of this Form)

 A SPECIAL PERMIT to expand, alter, or change a non-conforming use or structure.

 ADMINISTRATIVE APPEAL (i.e. Building Inspector Decision)

 Other (Please specify):

Did you request a building permit from the Town of Ayer Building Inspector? No
Yes/No

If you were denied a permit, please attach a copy of the decision or state the reasons for the denial. _____

State briefly the reasons for application:

The applicant seeks four (4) variances. See attached Exhibit
A for descriptions.

Date:

8/25/14

Signed by

[Signature]

(Petitioner)

4 PHILLIPS ROAD LN FRANKLIN MA 02038

(Street Address)

Check List:

508-404-9122
(Daytime Telephone Number)

- _____ Completed application
- _____ Two checks made payable to "Town of Ayer" in the amount of \$165.00 & \$ 74.00.
- _____ Six (6) copies of the certified plot plan (8 1/2 x 11 or 11 x 17).
- _____ List of abutters Certified by the Assessors office
- _____ Completed certified mail documents (certified mailing to be done by applicant and copied to ZBA's Office Manager along with receipts before the scheduled Public Hearing)

EXHIBIT A

- 1). A variance from Section 3.3.2.2(d)(3)(b) and Section 5.12 of the Ayer Zoning By-law to allow a side yard set back of 14 feet where 25 feet is required on the North Westerly Side of the property.
- 2). A variance from Section 6.1 of the Ayer Zoning By-law allowing for a total of 28 parking stalls where 42 are required.
- 3). A variance from Section 6.3(c) of the Ayer Zoning By-law allowing for parking stalls of 9 feet by 18 feet where 10 feet by 20 feet is required.
- 4). A variance from section 6.3(d) allowing for a zero foot off set of parking stalls from the South Easterly side of the proposed building where 10 feet is required.

GENERAL NOTES

- ZONING INFORMATION OBTAINED FROM THE TOWN OF AYER ZONING ORDINANCE AS AMENDED THROUGH OCTOBER 6, 2008.
- THE PROJECT SITE INCLUDES LOT 51 ON MAP 11 OF THE TOWN OF AYER ASSESSOR'S MAPS AND TOTALS 0.954 ACRES.
- THE PROJECT LIES WITHIN THE GENERAL BUSINESS DISTRICT (GB).
- MODIFICATIONS TO THIS PLAN MAY OCCUR AS UNFORESEEN CONDITIONS ARISE. ALL CHANGES SHALL BE APPROVED BY THE ENGINEER.
- ALTERNATE METHODS AND PRODUCTS OTHER THAN THOSE SPECIFIED MAY BE USED IF REVIEWED AND APPROVED BY THE OWNER, SITE ENGINEER, AND APPROPRIATE REGULATORY AGENCY PRIOR TO INSTALLATION.
- THE CONTRACTOR SHALL SUBMIT SHOP DRAWINGS OF ALL PRODUCTS, MATERIALS, AND PLANT SPECIFICATIONS TO THE OWNER AND SITE ENGINEER FOR REVIEW AND APPROVAL PRIOR TO FABRICATION OR DELIVERY TO THE SITE, ALLOW A MINIMUM OF 14 WORKING DAYS FOR REVIEW.
- THE CONTRACTOR SHALL PROVIDE AS-BUILT RECORDS OF ALL CONSTRUCTION (INCLUDING UNDERGROUND UTILITIES) TO THE OWNER AT THE END OF THE CONSTRUCTION.
- FLOOD NOTE: BY GRAPHIC PLOTTING ONLY, THIS PROPERTY IS IN ZONE X OF THE FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO. 25018D 0203 E WHICH BEARS AN EFFECTIVE DATE OF JUNE 4, 2010.

SITE LAYOUT NOTES

- REFER TO ARCHITECTURAL DRAWINGS FOR EXACT BUILDING DIMENSIONS AND EXTERIOR FEATURES INCLUDING UTILITY METERS, BOLLARDS, DOORS, PLASTERS, RAMPS, ETC.
- ALL LIMITS OF PAVEMENT SHALL BE CURBED, UNLESS OTHERWISE NOTED.
- ALL ON-SITE CURBS SHALL BE PRECAST CONCRETE AND MONOLITHIC CONCRETE, UNLESS OTHERWISE SPECIFIED.
- NON-ACCESSIBLE PARKING SPACE DIMENSIONS AS SHOWN ON THE PLAN ARE 9' WIDE x 18' LONG.
- ALL PAVEMENT MARKINGS SHALL BE ACCOMPLISHED WITH USE OF PAINTING MACHINES AND/OR STENCILS. ALL PAINT FOR PAVEMENT MARKING SHALL MEET THE REQUIREMENTS OF DOCUMENTATION, APPLICATION RECOMMENDATIONS, PARKING STALL, AND ISLAND STRIPING SHALL BE 4" WIDE AND SHALL BE STRAIGHT WITH A CLEAN EDGE. ALL DIRECTIONAL ARROWS, STOP BARS, ETC. SHALL CONFORM WITH MUTCD.
- PAVEMENT LETTERS SHALL BE 2" WIDE X 6" LONG.
- STOP BARS SHALL BE 6" WIDE AND SOLID WHITE LINES SHALL BE 4" IN WIDTH (SEE SITE PLAN FOR LENGTH).
- ACCESSIBLE PARKING SPACES SHALL CONFORM TO THE LATEST EDITION OF THE REQUIREMENTS OF THE AMERICANS WITH DISABILITIES ACT (ADA) AND THE ARCHITECTURAL ACCESS BOARD (AAB) AS SHOWN ON THE SITE LAYOUT PLAN.
- ACCESSIBLE PARKING ISLAND STRIPING SHALL CONSIST OF 4" SOLID LINES OF SHERMAN-WILLIAMS L-2 BLUE ORIENTED AT A 45 DEGREE ANGLE AND SPACED 3" ON CENTER.
- DIRECTIONAL AND ACCESSIBLE SIGNS SHALL CONFORM TO THE LATEST EDITION OF THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (MUTCD) FOR COLOR AND SIZE.
- ALL FLAT WORK WITHIN THE RIGHT OF WAY SHALL CONFORM TO MUNICIPAL/STATE STANDARDS.
- SNOW PILES SHALL NOT EXCEED 6 FEET IN HEIGHT WITHIN THE DESIGNATED SNOW STORAGE AREAS. EXCESS SNOW MUST BE REMOVED OFF-SITE IN ACCORDANCE WITH MUNICIPAL REGULATIONS.
- REPLACEMENT PAVEMENT AS A RESULT OF UTILITY AND DRAINAGE TRENCHING WITHIN THE RIGHT-OF-WAY SHALL MATCH EXISTING PAVEMENT THICKNESS.
- SITE LIGHTS TO BE INSTALLED PER DETAIL. CONTRACTOR SHALL NOTIFY THE ENGINEER IF THIS DISTANCE CANNOT BE ACHIEVED DUE TO DRAINAGE OR UTILITY CONFLICTS. REFER TO DETAILS FOR SITE LIGHT POLE BASE DETAILS AND SPECIFICATIONS.

RESIDENCE
A-2 (RA-2)
DISTRICT

RESIDENTIAL HOUSING
AP MAP 11 LOT 35
N/F
TOWN OF AYER
HUNTER, 2010/07/07
BR. 17044 PG. 06

ZONING INFORMATION

ZONING DISTRICT: GENERAL BUSINESS (GB)

REGULATORY	REQUIRED	EXISTING	PROPOSED
MIN. LOT AREA	15,000 SF	41,200± S.F. (0.95± AC.)	NO CHANGE
MIN. LOT FRONTAGE	100'	146.2±'	NO CHANGE
MIN. FY SETBACK	30'	107.0±'	115.7±'
MIN. SY SETBACK	25'	54.5±'	14.0±'
MIN. RY SETBACK	20'	18.5±'	41.0±'
MAX. BUILDING HEIGHT	3 STY/ 35'	13±'	25.5±'
MAX. F.A.R.	1.25	0.10±	0.20±
MAX. BUILDING COVERAGE	60%	17%±	20%±
MIN. OPEN SPACE	20%	35%±	37%±

±.35 FEET WHEN ADJUTING RESIDENTIAL

PARKING & LOADING INFORMATION

GB	REQUIRED	PROVIDED
PARKING: MINIMUM: 1 SP/200 SF. OFA 0.320/200 = 43.5 SPACES	42 SPACES	25 SPACES
LOADING: OFF-STREET LOADING FACILITIES SHALL BE PROPERLY SCREENED.	-	1 SPACE

LAND COVERAGE CALCULATIONS

TOTAL AREA: 0.95 ACRES

COVER	EXISTING	PROPOSED
BUILDING	0.09 AC	0.19 AC
PAVEMENT/CONCRETE	0.53 AC	0.41 AC
OPEN SPACE	0.27 AC	0.29 AC
WEEDS	0.01 AC	0.01 AC
TOTAL	0.90 AC	0.90 AC

MUTCD REFERENCE SIGN

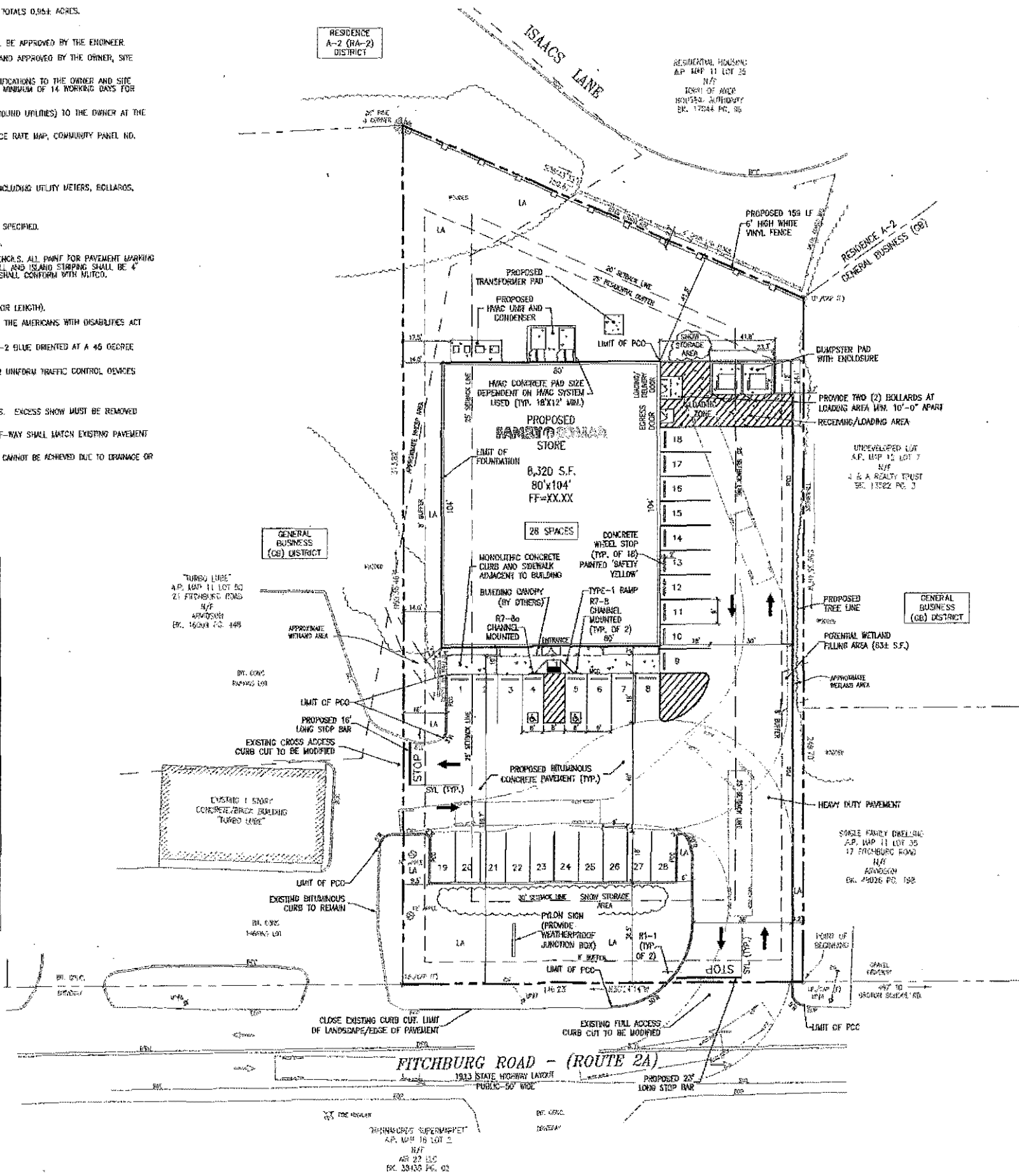
R1-1	STOP
R7-8	RESERVED PARKING
R7-8a	VAN ACCESSIBLE

LEGEND

EXISTING	PROPOSED	DESCRIPTION
---	---	PROPERTY LINE
---	---	BUILDING SETBACK/BUFFER
---	---	WETLAND LINE/FLAG
---	---	WETLAND/RESERVE BUFFER
---	---	PARKING SPACES
---	---	CURB RADIUS
---	---	ACCESSIBLE PAVEMENT MARKINGS
---	---	RAMP UPSLOPE DIRECTION
---	---	SIGN
---	---	LIGHT
---	---	UTILITY POLE
---	---	CURB RAIL
---	---	TREE LINE
---	---	PAINTED ARROW
---	---	DIRECTIONAL ARROW
---	---	CONCRETE PAD/SIDEWALK
---	---	IRON PIPE/IRON PIN
---	---	HEAVY DUTY PAVEMENT

GENERAL ABBREVIATIONS

A.P.	ASSESSOR'S PARCEL
B.C.	BOTTOM OF CURB
B.C.C.	BITUMINOUS CONCRETE CURB
B.T.	BITUMINOUS CONCRETE
B.W.	BOTTOM OF WALL
C.B.	CHAIN LINK FENCE
C.L.F.	CLEARANCE
C.C.	CONCRETE SURFACE
D.M.H.	DRAIN MANHOLE
D.W.F.	DOUBLE WALL FIBER GLASS
D.W.L.	DOUBLE YELLOW CENTERLINE
D.Y.C.	EDGE OF PAVEMENT
E.O.P.	EXISTING CONCRETE CURB
F.F.	FINISHED FLOOR ELEVATION
F.Y.	FRONT YARD
F.Y.C.	VERTICAL GRANITE CURB
F.C.C.	PRECAST CONCRETE CURB
G.A.	GAS METER
G.W.	GUY WIRE
H.D.	HIGH DENSITY
H.P.	POLYETHYLENE PIPE
I.F.	INVERT ELEVATION
L.A.	LANDSCAPED AREA
L.F.	LANDSCAPED AREA
L.C.C.	LANDSCAPED CONCRETE CURB
M.E.	MATCH EXISTING
N/A	NOT AVAILABLE
N/F	NON OR FORMERLY
O.C.	ON CENTER
R.F.	RIM ELEVATION
R.D.	ROCK DRAIN
R.W.	REAR YARD
R.Y.	REAR YARD
S.W.E.L.	SOLID WHITE EDGE LINE
S.W.L.	SOLID WHITE LINE
S.Y.	SIDE YARD
S.Y.L.	SOLID YELLOW LINE
T.C.	TOP OF CURB
T.W.	TOP OF WALL
U.P.	UTILITY POLE



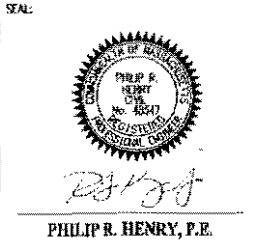
NOT FOR CONSTRUCTION

REVISIONS:

REV	DATE	COMMENT
1		
2		
3		
4		
5		
6		
7		
8		



DESIGNED BY: MAL
CHECK BY: PRH



PREPARED FOR:
Hunt RE Acquisitions LLC
5100 W. KENNEDY BOULEVARD
#100
TAMPA, FL 33609

PROJECT:
FAMILY DOLLAR
RETAIL STORE
19 FITCHBURG ROAD (ROUTE 2A)
AYER, MA 01432

PREPARED BY:
CIVIL DESIGN GROUP, LLC
21 HIGH STREET, SUITE 300A
NORTH ANDOVER, MA 01845
www.cdgengineering.com
p: 978-794-5400 f: 978-965-3935

SHEET:
VARIANCE PLAN

1

CGG PROJECT #: 14628

DATE: 07/25/2014



Town of Ayer
Zoning Board of Appeals
Transmittal Form - Department Head Review

- BOS
- BOH
- DPW
- Police Dept.
- Fire Dept.
- Building Inspector
- Con Com

Review Deadline Date 9-11-14
Public Hearing Date 9-15-14

Variance Special Permit Finding/Appeal

Title Hunt/19 Fitchburg Rd Dated 8-25-14

Submitted by Attorney Tom Gibbons / Hunt RE Acquisition

Address 19 Fitchburg Rd Telephone 978-772-2284 / gibbons
Gibbons - 21 Park St.

This plan is submitted for your review, comments, and recommendations. Please return to the Town Administrator's Office by the Review Deadline Date so that the Zoning Boards can consider your recommendation.

Approved Modifications Needed Disapprove

Comments: Reviewed. Refer to ZBA

Signed Rhett A. Rathbun

Title Town Administrator

Date 9/11/2014



Town of Ayer
Zoning Board of Appeals
Transmittal Form - Department Head Review

 X BOS
 BOH
 DPW
 Police Dept.
 Fire Dept.
 Building Inspector
 Con Com

Review Deadline Date 9-11-14
Public Hearing Date 9-15-14

Variance Special Permit Finding/Appeal

Title Hunt/19 Fitchburg Rd Dated 8-25-14

Submitted by Attorney Tom Gibbons / Hunt RE Acquisition

Address 19 Fitchburg Rd Telephone 978-772-2284 / gibbons
Gibbons - 21 Park St.

This plan is submitted for your review, comments, and recommendations. Please return to the Town Administrator's Office by the Review Deadline Date so that the Zoning Boards can consider your recommendation.

Approved Modifications Needed Disapprove

Comments:

Signed Bridgette Braly Title Health Agent

Date 9/22/14



Town of Ayer
Zoning Board of Appeals
Transmittal Form - Department Head Review

_____ BOS
X BOH
_____ DPW
_____ Police Dept.
_____ Fire Dept.
_____ Building Inspector
_____ Con Com

Review Deadline Date 9-11-14
Public Hearing Date 9-15-14

Variance _____ Special Permit _____ Finding/Appeal

Title Hunt/19 Fitchburg Rd Dated 8-25-14

Submitted by Attorney Tom Gibbons / Hunt RE Acquisition

Address 19 Fitchburg Rd Telephone 978-772-2284/gibbons
Gibbons - 21 Park St.

This plan is submitted for your review, comments, and recommendations. Please return to the Town Administrator's Office by the Review Deadline Date so that the Zoning Boards can consider your recommendation.

_____ Approved X Modifications Needed _____ Disapprove

Comments: There is a sewer easement on this property. There is some question as to the location of the easement and location of the sewer. This is a major interceptor sewer and must be maintained and accessible by the DPW. It should be shown on the plans with no obstruction. See Attached sketch

Signed [Signature] Title DPW Supt

Date 9/2/14



Town of Ayer
Zoning Board of Appeals
Transmittal Form - Department Head Review

BOS
 BOH
 DPW
 Police Dept.
 Fire Dept.
 Building Inspector
 Con Com

Review Deadline Date 9-11-14
 Public Hearing Date 9-15-14

Variance
 Special Permit
 Finding/Appeal

Title Hunt/19 Fitchburg Rd Dated 8-25-14

Submitted by Attorney Tom Gibbons / Hunt RE Acquisition

Address 19 Fitchburg Rd Telephone 978-772-2284/gibbons
Gibbons - 21 Park St.

This plan is submitted for your review, comments, and recommendations. Please return to the Town Administrator's Office by the Review Deadline Date so that the Zoning Boards can consider your recommendation.

Approved
 Modifications Needed
 Disapprove

Comments: I have concerns over lighting and security but these do not impact zoning.

Signed [Signature] Title Chief of Police

Date 9/4/2014



Town of Ayer
Zoning Board of Appeals
Transmittal Form - Department Head Review

- BOS
- BOH
- DPW
- Police Dept.
- Fire Dept.
- Building Inspector
- Con Com

Review Deadline Date 9-11-14
 Public Hearing Date 9-15-14

Variance Special Permit Finding/Appeal

Title Hunt/19 Fitchburg Rd Dated 8-25-14


Submitted by Attorney Tom Gibbons / Hunt RE Acquisition

Address 19 Fitchburg Rd Telephone 978-772-2284/gibbons
Gibbons - 21 Park St.

This plan is submitted for your review, comments, and recommendations. Please return to the Town Administrator's Office by the Review Deadline Date so that the Zoning Boards can consider your recommendation.

Approved Modifications Needed Disapprove

Comments:

Signed 

Title Fire Chief

Date 9/4/14



Town of Ayer
Zoning Board of Appeals
Transmittal Form - Department Head Review

_____ BOS
_____ BOH
_____ DPW
_____ Police Dept.
_____ Fire Dept.
 Building Inspector
_____ Con Com

Review Deadline Date 9-11-14
Public Hearing Date 9-15-14

Variance _____ Special Permit _____ Finding/Appeal

Title Hunt/19 Fitchburg Rd Dated 8-25-14

Submitted by Attorney Tom Gibbons / Hunt RE Acquisition

Address 19 Fitchburg Rd Telephone 978-772-2284/gibbons
Gibbons - 21 Park St.

This plan is submitted for your review, comments, and recommendations. Please return to the Town Administrator's Office by the Review Deadline Date so that the Zoning Boards can consider your recommendation.

_____ Approved _____ Modifications Needed Disapprove

Comments: This appears to be a case where the intended use exceeds the limitations of the property.

Signed [Signature]
Date 2, Sep. 14

Title BUILDING COMMISSIONER



Town of Ayer
Zoning Board of Appeals
Transmittal Form - Department Head Review

BOS
 BOH
 DPW
 Police Dept.
 Fire Dept.
 Building Inspector
 Con Com

Review Deadline Date 9-11-14

Public Hearing Date 9-15-14

Variance Special Permit Finding/Appeal

Title Hunt/19 Fitchburg Rd Dated 8-25-14

Submitted by Attorney Tom Gibbons / Hunt RE Acquisition

Address 19 Fitchburg Rd Telephone 978-772-2284 / gibbons
Gibbons - 21 Park St.

This plan is submitted for your review, comments, and recommendations. Please return to the Town Administrator's Office by the Review Deadline Date so that the Zoning Boards can consider your recommendation.

Approved Modifications Needed Disapprove

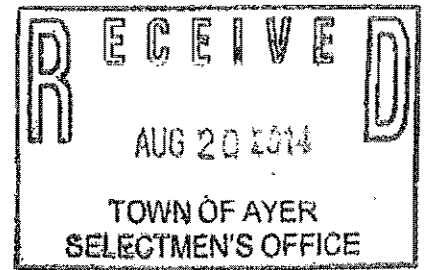
Comments:

This property may have some bordering vegetated wetland (BVW) surrounding it and/or fall within the BVW Buffer Zone (100ft.) If so, then it is within the Conservation Commission's jurisdiction and would require applicant to file a Notice of Intent for this proposed project. Applicant should have a wetland scientist evaluate the surrounding area to determine whether or not project is in Buffer Zone

Signed [Signature] Title Becky DeSilva-Conde
Conservation Administrator

Date 9/11/2014

**Town of Ayer
ZONING BOARD OF APPEALS
APPLICATION FOR A HEARING**



Notes to the Petitioner:

1. All applications for a hearing must be received by the Ayer Zoning Administrator/ Office Manager and accompanied by:
 - (6) copies of a registered engineered drawing (size 8 ½ x 11 or 11 x 17),
 - Certified list of abutters within 300 feet of the premise and certified by the Town of Ayer Board of Assessors. (all certified mail documents receipts are to be given with the application and **mailed by applicant with an abutters notice**)

2. The application, when completed and signed, must be filed with a non-refundable application fee of one hundred-sixty five dollars (\$165.00) and a legal ad fee of seventy four dollars (\$ 74.00). Both checks should be made payable to the "Town of Ayer".

3. The ZBA shall duly post and conduct a public hearing within 65 days of receiving a completed application and render a decision within 14 days of the close of the Public Hearing. The applicant must wait the appeal period (20 days) after filing the decision with the Town Clerk. The decision, or notice thereof, must be filed by the applicant, at the South Middlesex County Registry of Deeds in Cambridge. Prior to obtaining a building permit, the applicant must present evidence of Registry filing to the Building Inspector and ZBA. This evidence may be a receipt from the Registry with an Instrument number or proof of the Book and Page assigned.

Name of Applicant: Charles Sortino (Full Name)
53 Willard St. (Address)
Ayer, MA 01432

Phone Number (978) 467-6103

Applicant is (check one) Owner ___ Tenant ___ Licensee ___ Prospective Buyer

The name and address of each holder or legal title to the land which is the subject of this petition (list as it appears on the Deed) _____

Charles Sortino, Janice D'Amico

Location of Property 53 Willard St.
Ayer, MA 01432

Assessor's Map 35 Parcel 66 Land Size 21,837 SF

Zoning District (circle one) A-1 A-2 GR GB DB LI HI

Registry of Deeds Book 45942 Page 94

Water Overlay District (circle one) Zone I Zone II N/A

The undersigned hereby petitions the Town of Ayer Zoning Board of Appeals to vary the terms of the Zoning Bylaws for the following purpose:

A VARIANCE from the requirements of the Town of Ayer Zoning Bylaws

A SPECIAL PERMIT for a specific use which is subject the approval of the Zoning Board of Appeals (For Home Occupations see Page 3 of this Form)

A SPECIAL PERMIT to expand, alter, or change a non-conforming use or structure.

ADMINISTRATIVE APPEAL (i.e. Building Inspector Decision)

Other (Please specify):

Did you request a building permit from the Town of Ayer Building Inspector? No
Yes/No

If you were denied a permit, please attach a copy of the decision or state the reasons for the denial.

State briefly the reasons for application:

To keep the front fence in place.

Date: 08/19/14

Signed by Charles Sostino
(Petitioner)
53 Willard St.
(Street Address)
(978) 467-6103
(Daytime Telephone Number)

Check List:

- Completed application
- Two checks made payable to "Town of Ayer" in the amount of \$165.00 & \$ 74.00.
- Six (6) copies of the certified plot plan (8 ½ x 11 or 11 x 17)
- List of abutters Certified by the Assessors office
- Completed certified mail documents (certified mailing to be done by applicant and copied to ZBA's Office Manager along with receipts before the scheduled Public Hearing)

Notification to Abutters

Name of Applicant: Charles Sortino

Date of Public Hearing _____

Address of property where activity is proposed: 53 Willard St.

Explanation of activity:
Administrative Appeal to Building Commissioners
Enforcement Order of 12 Aug. 14.

Copies of the application are available at the Ayer Town Hall/Clerk's Office Monday through Friday from 8:30AM-5:00PM.

Information regarding the time and date of the Public Hearing will be published in the Public Spirit Newspaper.

Notice of the Public Hearing including the time and date will be posted in the Ayer Town Hall 48 hours in advance.

BUILDING COMMISSIONER
TOWN OF AYER

GABRIEL J. VELLANTE JR.
TOWN HALL
1 MAIN ST.
AYER, MA. 01432

TELEPHONE (978) 772-8214

12, Aug., '14

Mr. Charles Sortino
53 Willard St.
Ayer, MA. 01432

Hand Delivered

Cease and Desist Order

Re: Fence at front property line and left side of property

Mr. Sortino,

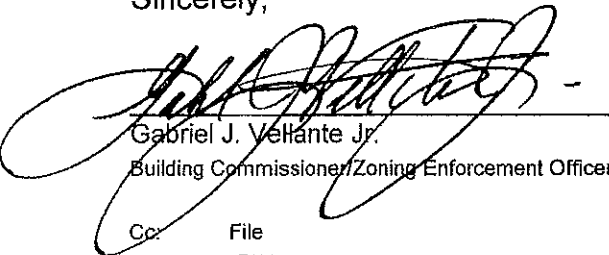
I have received a complaint from your neighbor at 55 Willard St. that the fence you erected between the properties is obstructing the line of sight from their driveway creating a driving hazard.

Also, I have been notified by the DPW that the front fence and the first section of the property line fence are on town property.

You are hereby ordered to remove all fencing on town property. Further you are ordered to remove the first section of full height fence on the property line and replace it with a lower section of fence so as to insure proper line of sight.

You are order to have all work completed and inspected no later than 21, Aug., '14. If you fail to comply with this order I will begin further legal action against you for compliance and will seek all fines as prescribed by law.

Sincerely,



Gabriel J. Vellante Jr.
Building Commissioner/Zoning Enforcement Officer

Cc: File
DPW
Town Administrator
Tracy DurFee



Town of Ayer
Zoning Board of Appeals
Transmittal Form - Department Head Review

- BOS
- BOH
- DPW
- Police Dept.
- Fire Dept.
- Building Inspector
- Con Com

Review Deadline Date 9-11-14
 Public Hearing Date 9-15-14

Variance Special Permit Finding/Appeal

Title Fence 53 Willard St. Dated 8-20-14

Submitted by Charles Sorteno

Address 53 Willard St. Telephone 978-467-⁶¹⁰³~~0100~~

This plan is submitted for your review, comments, and recommendations. Please return to the Town Administrator's Office by the Review Deadline Date so that the Zoning Boards can consider your recommendation.

Approved Modifications Needed Disapprove

Comments: Reviewed, Deter to DPW Comments, Deter to Police Chief. BOS office has received concerns from Abutter about visibility/safety.

Signed Talenta. Pothol

Title Town Administrator

Date 9/11/2014



Town of Ayer
Zoning Board of Appeals
Transmittal Form - Department Head Review

BOS
 BOH
 DPW
 Police Dept.
 Fire Dept.
 Building Inspector
 Con Com

Review Deadline Date 9-11-14
Public Hearing Date 9-15-14

Variance Special Permit Finding/Appeal

Title Fence 53 Willard St. Dated 8-20-14

Submitted by Charles Sortino

Address 53 Willard St. Telephone 978-467-⁶¹⁰³~~01010~~

This plan is submitted for your review, comments, and recommendations. Please return to the Town Administrator's Office by the Review Deadline Date so that the Zoning Boards can consider your recommendation.

Approved Modifications Needed Disapprove

Comments: NOT a BOH issue

Signed Bridgeth Maloy Title Health Agent

Date 9/15/14



Town of Ayer
Zoning Board of Appeals
Transmittal Form - Department Head Review

<input type="checkbox"/>	BOS	Review Deadline Date	<u>9-11-14</u>
<input type="checkbox"/>	BOH	Public Hearing Date	<u>9-15-14</u>
<input checked="" type="checkbox"/>	DPW		
<input type="checkbox"/>	Police Dept.		
<input type="checkbox"/>	Fire Dept.		
<input type="checkbox"/>	Building Inspector		
<input type="checkbox"/>	Con Com		

Variance Special Permit Finding/Appeal

Title Fence 53 Willard St. Dated 8-20-14

Submitted by Charles Sortino

Address 53 Willard St. Telephone 978-467-⁶¹⁰³~~0100~~

This plan is submitted for your review, comments, and recommendations. Please return to the Town Administrator's Office by the Review Deadline Date so that the Zoning Boards can consider your recommendation.

Approved Modifications Needed Disapprove

Comments: The fence creates "sight line" issues for neighbors exiting their driveways. Fence should be removed from ROW

Signed [Signature] Title Ayer DPW Supt

Date 9/8/14



Town of Ayer
Zoning Board of Appeals
Transmittal Form – Department Head Review

- BOS
- BOH
- DPW
- Police Dept.
- Fire Dept.
- Building Inspector
- Con Com

Review Deadline Date 9-11-14
 Public Hearing Date 9-15-14

Variance Special Permit Finding/Appeal

Title Fence 53 Willard St. Dated 8-20-14

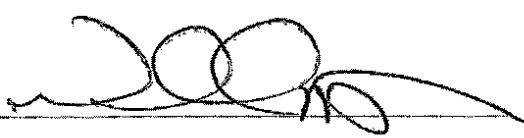
Submitted by Charles Sortino

Address 53 Willard St. Telephone 978-467-⁶¹⁰³~~01010~~

This plan is submitted for your review, comments, and recommendations. Please return to the Town Administrator's Office by the Review Deadline Date so that the Zoning Boards can consider your recommendation.

Approved Modifications Needed Disapprove

Comments:

Signed 

Title Chief of Police

Date 9/11/2014

Carly Antonellis

From: Chief William Murray <pdchief@ayer.ma.us>
Sent: Monday, August 25, 2014 2:32 PM
To: Carly Antonellis; Gabe Vellante
Cc: Robert Pontbriand
Subject: RE: 53 Willard Street

Dear TA Pontbriand,

I have personally observed the fence at 53 Willard Street. It appears that the owner has already removed the first section of the full height fence so in its current condition I do not see any public safety issues with it. The front section of fence that parallels the roadway offers a minor challenge to seeing the roadway clearly but not so much so as to constitute a public safety issue.

Sincerely,

Chief William Murray
Ayer Police Department
54 Park Street
Ayer, MA 01432
978-772-8200 x500
fax 978-772-8202

CONFIDENTIALITY NOTICE: The information contained in this e-mail message, including any attachments, is for OFFICIAL USE ONLY (OUO) and is for the sole use of the intended recipient(s). Furthermore, this e-mail and its attachments, if any, may contain LAW ENFORCEMENT SENSITIVE material and is therefore, privileged and confidential. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please notify the sender by reply e-mail and delete the original message and all copies from your computer.

-----Original Message-----

From: Carly Antonellis [<mailto:cantonellis@ayer.ma.us>]
Sent: Monday, August 25, 2014 1:49 PM
To: Gabe Vellante; Chief William Murray
Cc: Robert Pontbriand
Subject: 53 Willard Street

Chief and Gabe -

The Cease and Desist Order issued by Gabe (attached) is being appealed by the owner. His neighbor that filed the complaint is concerned that there is a public safety issue with the fence staying up until the time of the appeal. Robert would like you each to investigate and report back as to whether you feel there is an imminent public safety risk.

Please advise at your earliest convenience.

Thanks!

Carly

Carly M. Antonellis



Town of Ayer
Zoning Board of Appeals
Transmittal Form - Department Head Review

BOS
 BOH
 DPW
 Police Dept.
 Fire Dept.
 Building Inspector
 Con Com

Review Deadline Date 9-11-14
Public Hearing Date 9-15-14

Variance Special Permit Finding/Appeal

Title Fence 53 Willard St. Dated 8-20-14

Submitted by Charles Sortino

Address 53 Willard St. Telephone 978-467-⁶¹⁰³~~01010~~

This plan is submitted for your review, comments, and recommendations. Please return to the Town Administrator's Office by the Review Deadline Date so that the Zoning Boards can consider your recommendation.

Approved Modifications Needed Disapprove

Comments: Obstructed view could cause a car accident

Signed [Signature]

Title 9/4/14

Date _____



Town of Ayer
Zoning Board of Appeals
Transmittal Form - Department Head Review

_____ BOS
_____ BOH
_____ DPW
_____ Police Dept.
 Fire Dept.
_____ Building Inspector
_____ Con Com

Review Deadline Date 9-11-14
Public Hearing Date 9-15-14

_____ Variance _____ Special Permit Finding/Appeal

Title Fence 53 Willard St. Dated 8-20-14

Submitted by Charles Sortino

Address 53 Willard St. Telephone 978-467-⁶¹⁰³~~0100~~

This plan is submitted for your review, comments, and recommendations. Please return to the Town Administrator's Office by the Review Deadline Date so that the Zoning Boards can consider your recommendation.

_____ Approved _____ Modifications Needed Disapprove

Comments:

- BASED ON DPW INSPECTION WHICH DETERMINED THAT THE FENCE IS LOCATED ON TOWN PROPERTY, THE ENFORCEMENT ORDER WAS ISSUED.
- TO OVERRULE THIS 'ORDER' I FEEL THAT THE ZBA WOULD HAVE TO GRANT A 'VARIANCE' TO ALLOW THE FENCE TO REMAIN ON TOWN PROPERTY
- IF SO THE 'LINE OF SIGHT' WOULD STILL REMAIN AN ISSUE & HAVE TO BE RESOLVED.

Signed [Signature]
Date 2 Sep 14

Title BUILD. COMM.



Town of Ayer
Zoning Board of Appeals
Transmittal Form - Department Head Review

<input type="checkbox"/>	BOS	Review Deadline Date	<u>9-11-14</u>
<input type="checkbox"/>	BOH	Public Hearing Date	<u>9-15-14</u>
<input type="checkbox"/>	DPW		
<input type="checkbox"/>	Police Dept.		
<input type="checkbox"/>	Fire Dept.		
<input type="checkbox"/>	Building Inspector		
<input checked="" type="checkbox"/>	Con Com		

Variance Special Permit Finding/Appeal

Title Fence 53 Willard St. Dated 8-20-14

Submitted by Charles Sortino

Address 53 Willard St. Telephone 978-467-⁶¹⁰³~~0100~~

This plan is submitted for your review, comments, and recommendations. Please return to the Town Administrator's Office by the Review Deadline Date so that the Zoning Boards can consider your recommendation.

Approved Modifications Needed Disapprove

Comments:
No comment. N/A

Signed J. DeSilva

Title Becky DaSilva-Condo
Conservation Administrator

Date 9/11/2014

DEPARTMENT OF PUBLIC WORKS

Mark L. Wetzel, P.E., Superintendent
Pamela J. Martin, Office Manager



Water, Wastewater, Highway & Solid Waste Divisions

25 BROOK STREET
AYER, MASSACHUSETTS 01432
T: (978) 772-8240
F: (978) 772-8244

October 3, 2014

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

**Re: Bond Reduction Request
The Willows**

Dear Board Members:

At the request of Mr. Michael Feldman, Chief Financial Officer for Habitech Homes, I have reviewed the proposed bond reduction for the above-mentioned development. After I review of the schedule of disbursement (attached), I find the values to be reasonable given the work completed to date.

In summary, I recommend a bond reduction for the Willows in the amount of \$147,510 . There is a balance of \$251,257 remaining, including a contingency of \$23,729 which shall remain until the completion of the project and receipt of all required as-built documents.

If you have any questions or require any additional information, please feel free to contact me.

Regards,

AYER PUBLIC WORKS DEPARTMENT

Mark L. Wetzel, P.E.
Superintendent

WILLOW ROAD DEVELOPMENT, LLC
Middlesex Savings Bank
Schedule of Disbursement
9/18/14

ITEM	DESCRIPTION	Scheduled Value	Previous Applications	Work Remaining	Work Completed This Application	Total Completed and Stored to Date	%	Balance to Finish
D02	Site Preparation	369,855	308,159	61,696		308,159	83%	61,696
D03	Water Main Installation	209,985	163,304	46,681	36,182	199,486	95%	10,499
D04	Drainage Improvements	211,836	161,498	50,338		161,498	76%	50,338
D05	Sanitary Sewer in Subdivision	339,349	261,321	78,028	67,848	329,169	97%	10,180
D06	Sewer in Willow Road	370,304	370,304	-		370,304	100%	-
D07	Detention Basins 1	6,097	6,097	-		6,097	100%	-
D08	Detention Basins 2	14,041	12,000	2,041		12,000	85%	2,041
D09	Electrical Improvements	47,022	39,726	7,296		39,726	84%	7,296
D10	Base Materials & Paving	252,689	169,645	83,044	12,291	181,936	72%	70,753
D11	Rear Access Road	30,456	24,870	5,586		24,870	82%	5,586
D12	Mitigation Areas	20,519	15,389	5,130		15,389	75%	5,130
D12	Landscaping - Shoulder & Slopes	17,067	13,058	4,009		13,058	77%	4,009
D13	Contingency	94,918	40,000	54,918	31,189	71,189	75%	23,729
Totals		1,984,138	1,585,371	398,767	147,510	1,732,881	87%	251,257

Work Completed To Date	1,732,881
Work Previously Approved	1,585,371
Current Bond Reduction Request	<u>147,510</u>

Zoning Board Meeting Date 10/8/2014

I certify the work completed as described on this application is correct and accurate through the date of this request.

Mark Wetzel, Superintendent, Department of Public Works, Town of Ayer



September 17, 2014

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

RE: Request for Non Substantial Change - The Willows

Dear Board Members:

We are completing the final phase of the project and have hit additional areas with poor material. We had done extensive soil evaluations in the area and they appeared to be satisfactory. Unfortunately, once excavating the full extent of the foundation hole (particularly on a three unit building), larger areas of the poor material became evident.

There are total of five units we are seeking to modify. I have attached Exhibit A showing the most recent plan approved by ZBA (Oct 2013) with the five units highlighted in Green. I have attached Exhibit B showing the location of the units after the requested modifications which are highlighted in Orange. Specifically:

Units 56 – 58. We are seeking to move this building out of the troublesome zone entirely. The building fits in an area in which had previously been cleared on the lower portion of the property. This are sits just outside the 100 foot buffer zone, but within the 200 foot Riverfront Zone. Being within the jurisdiction of the Conservation Commission, we filed a copy of the plan and held meetings with the Commission. The Commission has agreed to the proposed changes, subject to ZBA Approval. They requested we add some plantings, signage and a line of boulders to better delineate the 100 foot zone. These items are shown on the attached Exhibit C. The Commission will be sending the ZBA a copy of their approval of the requested modifications.

Units 87, 88. These are more modest changes. Unit 87 is being moved across the street to avoid the unsuitable material. Unit 88 is being adjusted to have it line up with the street better after the relocation of unit 87.

As in previous requests, we have maintained the same unit mix. Thank you for your consideration of this non substantial change at The Willows. I look forward to meeting as needed to address any questions or concerns you may have.

Sincerely,

Mark C. O'Hagan

Mark C. O'Hagan, Member
Willow Road Development, LLC.

M.C.O. ASSOCIATES
 PREPARED FOR
 AYER, MASS.
 SEPTEMBER 2014
 SCALE: 1" = 50'
 DAVID E. ROSS ASSOCIATES, INC.
 CIVIL ENGINEER - LAND SURVEYOR
 117 HIGHLAND ROAD, P.O. BOX 206, AYER, MASS. 01432-0206
 978-775-1232 FAX 978-775-0208
 JOB NO. 24630 SHEET 1 of 1 PLAN NO. L-9166A

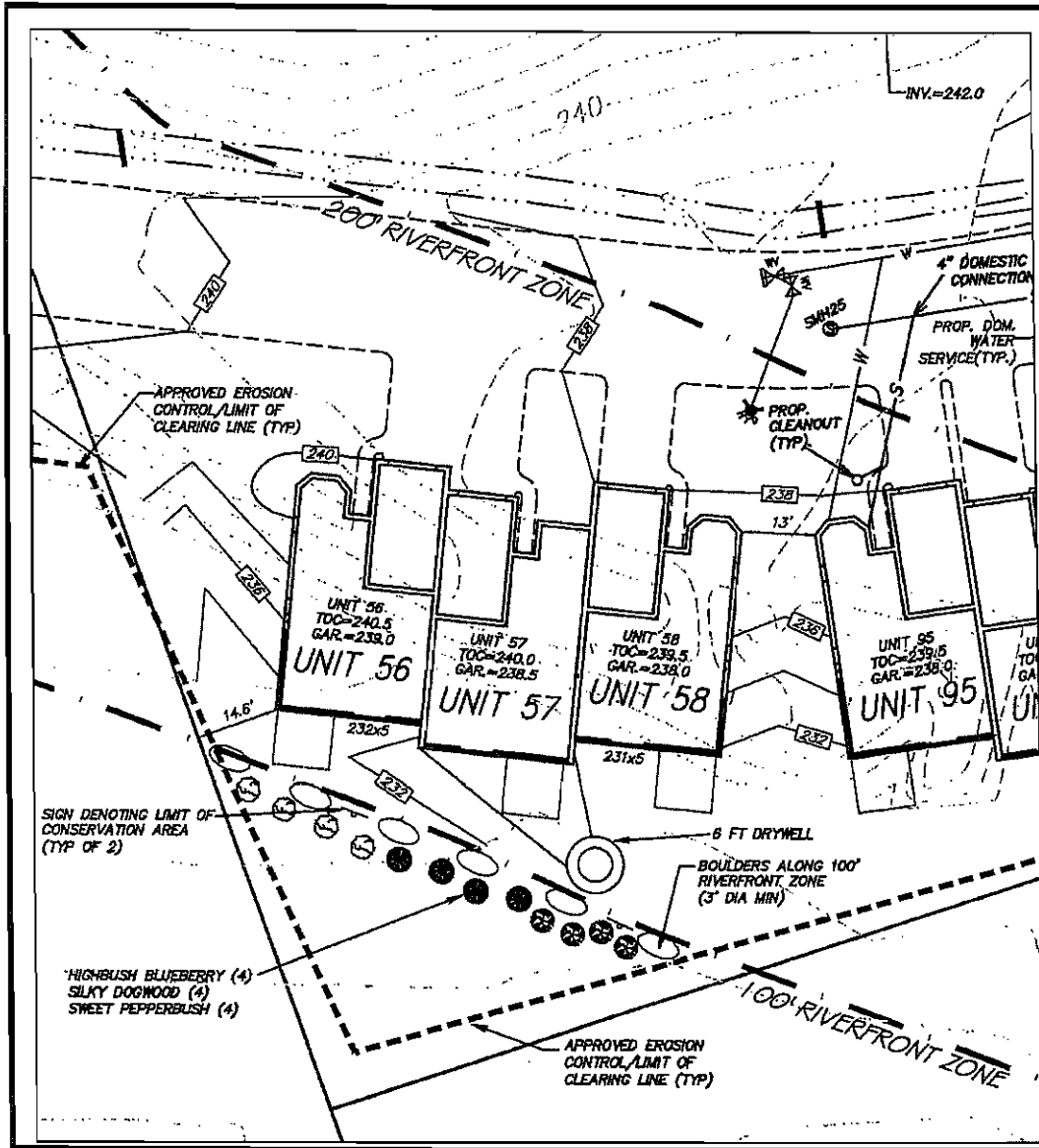


THE WILLOWS

EXHIBIT B
 Proposed Modifications
 Sept 2014

MEN A. VERA

EXHIBIT C



Notes:

- All utility connections to be installed in accordance with Town of Ayer construction standards.
- Existing topography shown is based on a ground survey performed by David E. Ross Associates Inc, Nov. 2003.

LEGEND

- PROPERTY LINE
- STONE WALL
- STREET CENTERLINE W/ STATIONING
- TBM TEMPORARY BENCHMARK
- CB, DH, IP EXISTING MONUMENT
- 110 EXISTING CONTOUR
- 88-5 EDGE OF WETLANDS W/ FLAG NOS
- 100' WETLANDS BUFFER ZONE
- OR
- PROPOSED SHRUB
- PROPOSED TREE
- 342x5 PROPOSED SPOT GRADE
- 110 PROPOSED CONTOUR
- PROPOSED BUILDING
- PROPOSED SIGN
- PROPOSED EDGE OF PAVEMENT
- PROPOSED SIDEWALK
- PROPOSED DRAIN LINE
- CTB #1 PROPOSED CATCHBASIN
- PROPOSED DRAINAGE MANHOLE
- PROPOSED SEWER LINE W/ CLEANOUT
- PROPOSED SEWER MANHOLE
- PROPOSED SEWER FORCE MAIN
- PROPOSED WATER LINE W/ GATE VALVE
- PROPOSED HYDRANT
- PROPOSED LIGHT

ZONING REQUIREMENT TABLE (HI ZONE):

Criteria	Requirement	Proposed
Frontage	150'	n/a
Front Yard	25'	n/a
Side yard	25'	n/a
Rear yard	30'	n/a

"THE WILLOWS" - UNITS 56 - 58

SITE PLAN IN
Ayer, Mass.

PREPARED FOR

Willow Road Development, LLC

SCALE: 1" = 20'

SEPTEMBER, 2014

David E. Ross Associates, Inc.

CIVIL ENGINEERS - LAND SURVEYORS
ENVIRONMENTAL CONSULTANTS
PO BOX 368-111 FITCHBURG RD, AYER, MA 01432
(TEL. NO. 978-772-6232)

JOB NO. 24630

PLAN NO. S-13731



[Signature]
9/9/14

[DRAFT]

Town of Ayer

Zoning Board of Appeals

Meeting Minutes For
Thursday, August 21, 2014

7:00pm Ayer Police Station – Community Room

ZBA Members Present: J. Callahan, Chair; R. DeFilippo; H. Hall
ZBA Members Absent: C. Schultz

Also in Attendance: R. Pontbriand, Town Administrator; Attorney Brian J. Winner, Town Counsel

Call To Order: The ZBA Meeting was called to order by J. Callahan at 7:06pm in the Community Meeting Room of the Ayer Police Station located at 54 Park Street, Ayer, MA 01432.

R. Pontbriand thanked the ZBA Members for their willingness to serve and for the reconstitution of the Ayer ZBA. He stated that he invited Attorney Brian J. Winner of Town Counsel to advise the new ZBA about their roles and responsibilities and to offer any legal guidance on these first matters as this is a new ZBA with many new Members.

R. Pontbriand stated that Mr. Peter Bemis representing Randolph and Baldwin (17 Bligh Street) was present to request a revision to a previously granted Special Permit for 17 Bligh Street and has respectfully requested that the ZBA consider hearing him first due to another ZBA meeting he has to be at in another community.

Organization of the ZBA:

The ZBA discussed the organization of the Board in terms of a Chairman and a Clerk.

J. Callahan stated that he would be willing to volunteer to serve as Chair to facilitate the meetings and would like to wait until C. Schultz was present to decide on a Clerk.

MOTION: A Motion was made by R. DeFilippo and seconded by H. Hall to make J. Callahan Chairman of the ZBA. **Motion Passes 3-0.**

Old Business

17 Bligh Street – Request for Revision of Special Permit

Mr. Peter Bemis appeared before the ZBA and gave an overview of his request for a minor revision to the Special Permit awarded by the ZBA. The revision would consist of the ZBA granted an increase in the building foot print to 80 feet by 100 feet with the expansion extending into a section of the site that was already planned to be pavement and there would be about 950 sq ft of additional pavement installed to allow for truck turning opposite the building. [See Attached Letter, 8/1/2014 from EDC]

Mr. Bemis further stated that the Conservation Commission and Planning Board have approved and signed off on this request for revision but the Building Commissioner has advised that he needs a letter from the ZBA. Mr. Bemis provided a copy of the letter from the Planning Board [See Attached]

Attorney Winner advised that the Special Permit was previously approved and that the ZBA does have the authority to make minor revisions/changes as long as they do not result in significant changes to the substantive conditions of the Special Permit.

J. Callahan stated that Conservation and Planning had no issue and that this minor revision seems appropriate and acceptable.

R. DeFilippo and H. Hall concurred.

MOTION: A Motion was made by J. Callahan and seconded by H. Hall to accept the letter of August 1, 2014 from EDC as presented and issue a determination that the ZBA finds that the requested revision of the Special Permit does not change the original relief sought by the Special Permit. Motion Passed 3-0.

Roles and Responsibilities of the ZBA

Attorney Winner made a presentation to the ZBA regarding the roles and responsibilities of the ZBA. He reviewed the topics of Open Meeting Law; Public Records; and Conflict of Interest with the ZBA.

He provided the ZBA Members with a copy of the Massachusetts Zoning Act.

The ZBA reviewed the Zoning Act and the Town's Zoning Bylaw focusing on the major aspects of both governing documents.

Jurisdiction of the ZBA was discussed in terms of: Special Permits; Variances; Appeals from the Building Inspector; and 40B Comprehensive Permits. The importance of timelines and dates was discussed.

The issues of the importance of quorum of the ZBA and Consultant Peer Review Process were also discussed.

Attorney Winner stated that there is a lot of material to digest and understand and that Town Counsel will remain as a resource through the Town Administrator to assist the ZBA when needed.

Scheduling of Pending ZBA Matters (Old Business):

The ZBA scheduled a Public Hearing for the application for Variance for 126 West Main Street, Ayer to be held on Monday, September 15, 2014 at 7pm in the Ayer Police Station's Community Meeting Room located at 54 Park Street. All notifications and publications will be issued.

The ZBA scheduled the Variance and Special Permit application from 15 Littleton Road to take place on Wednesday, October 8, 2014 at 7pm in the Ayer Police Station's Community Meeting Room located at 54 Park Street. All notifications and publications will be issued.

New Business

83 Washington Street

Attorney Gibbons appeared before the ZBA regarding 83 Washington Street and the issue as to whether a finding or variance would be required. The ZBA and Town Counsel reviewed and discussed the issue(s) and determined that a variance would not be required but a finding would be the appropriate relief. Attorney Gibbons was advised that if he wished to proceed he would need to file with the ZBA by August 24, 2014. Attorney Gibbons stated that he would take it under advisement.

19 Fitchburg Road

Attorney Gibbons appeared before the ZBA regarding his client's intent to seek several variances to the property which are:

1. Variance for the side yard of the property with a set-back of 9 feet;
2. Variance for Parking Spaces (General Business District requires 42 spaces that are 10x20 ft stall size) that would be for 28 spaces that are 9ft x 18ft;
3. Variance for the parking block to have no offset from the building

Attorney Gibbons stated that he would file with the ZBA.

The ZBA stated that this Variance Application for 19 Fitchburg Road would be scheduled for Monday, September 15, 2014 at 7pm at the Ayer Police Station's Community Meeting Room located at 54 Park Street. All notifications and publications will be issued.

The Town Administrator advised the ZBA that there is an application for appeal of the Building Inspectors decision regarding a fence placement at 15 Willard Street. The appeal application is in order.

The ZBA stated that this Appeal Application for 15 Willard Street would be scheduled for Monday, September 15, 2014 at 7pm at the Ayer Police Station's Community Meeting Room located at 54 Park Street. All notifications and publications will be issued.

There was no further business before the ZBA.

MOTION: A Motion was made by J. Callahan and seconded by H. Hall to adjourn the Ayer ZBA. Motion Passed 3-0.

The ZBA adjourned at 9:10pm.

Minutes Recorded by: R. Pontbriand, Town Administrator

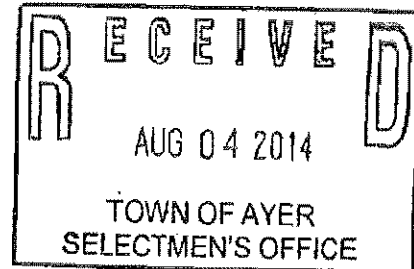
Date Minutes Review and Approved by ZBA: _____

Signature by the ZBA Clerk: _____

August 1, 2014

Zoning Board of Appeals
Town Hall
Ayer, Massachusetts 01432

Reference: Randolph & Baldwin Inc.
17 Bligh Street
Ayer, Massachusetts
EDC Job No.: 3400



Dear Board Members:

On behalf of Randolph Realty, LLC, owner and applicant of the above referenced project, we are herewith submitting a revised site development plan for your consideration. Randolph Baldwin has determined that the crane that they intended to install within the building would best serve their needs by dedicating an additional 20-foot of floor space within the planned addition. The net result would increase the building foot print to 80'x100' with the expansion extending into a section of the site that was already planned to be pavement and there would be about 950 sf. of additional pavement installed to allow for truck turning opposite the building. All this would continue to be contained within the original approved work limits (Erosion Control Barrier position remains unchanged) and the storm water collection and treatment system will be slightly extended and was originally over designed, thus the minor amount of additional pavement is easily collected and treated within the planned system limits.

With the Special Permit already constructively approved and recorded at the Middlesex Registry of Deeds the project is properly positioned to commence with construction. We are hopeful that the Board would view this revision as minor in scope and allowed it to proceed to construction without a formal waiver request and hearing. This modification will be further documented as part of the project as-built drawings when processing the Request for Occupancy Permit at project closeout. The Conservation Commission has already agreed to permit this minor Site Plan change. We continue to finalize our building permit application and would be most grateful for your support of this request and the building inspector will require that we provide written confirmation of your support should you be so inclined. Thank you for your consideration of this request.

Very truly yours,

ENGINEERING DESIGN CONSULTANTS, INC.

A handwritten signature in black ink, appearing to read "Peter S. Bemis".

Peter S. Bemis

Town of Ayer
PLANNING BOARD

Town Hall • One Main Street • Ayer, MA 01432 • 978-772-8218 • 978-772-3017 (fax)



August 7, 2014

Peter Bemis
Engineering Design Consultants, Inc.
32 Turnpike Road
Southborough, Massachusetts 01772

Reference: 17 Randolph Baldwin
Bligh Street, Ayer, Massachusetts

Dear Mr. Bemis:

As requested in your letter dated August 1, 2014, the Planning Board finds that the proposed building addition and related site plan changes that you have proposed to be minor in scope and that the original approval granted on May 1, 2014 would still apply without need for any further public review.

Please supply the Planning Board with a copy of the Site As-built Plan at the completion of the project for our records.

Sincerely,

James T. Luchini / CHAIRMAN
Clerk for the Ayer Planning Board