

RECEIVED
TOWN CLERK
TOWN OF AYER

2015 MAY 18 AM 10:17

MB

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



Wednesday May 20, 2015
Open Session Meeting Agenda

7:00 PM

Call to Order

Continued Public Hearing from 4/15/15 - Application for Finding and/or Variance

23 Mill Street (Filed 3/20/15)

7:15 PM

Public Hearing – Application for Variance – Global Montello, LLC

15 Littleton Road (Filed 4/23/15)

Discussion Items

1. Chris Valentine, 141 Snakehill Road

Approval of Meeting Minutes

1. April 15, 2015

Adjournment

The next ZBA Meeting will be June 17, 2015

Public Notice

Devens Enterprise Commission

The Devens Enterprise Commission will conduct a Public Hearing on Tuesday April 28, 2015 at 6:45 PM in the Vicksburg Conference Room at 33 Andrews Parkway, Devens, MA 01434 to consider a Level 2 Unified Permit application submitted by Johnson Matthey Pharma Services to amend their existing License for the Storage of Flammables, Combustibles and Explosives in accordance with 974 CMR 4.09(6). Property located at 25 Patton Road (Parcel ID #9-4-500). The Application and supporting information may be viewed at the Town Halls of Ayer, Harvard, Shirley and at the Devens Enterprise Commission office during normal business hours.

March 27, 2015
April 3, 2015

Town of Ayer Conservation Commission
The Ayer Conservation Commission will hold a

Public Notice

Town of Ayer Zoning Board of Appeals Public Hearing Notice

The Ayer ZBA will conduct a public hearing at 7:15 PM on Wednesday April 15, 2015 at the Ayer Town Hall located at 1 Main Street, Ayer, MA 01432 regarding the application by Capstone General Contracting for owner Thomas Wilson, 23 Mill Street Ayer, MA 01432. Applicant seeks a finding and/or variance to allow replacement of a pre-existing non-conforming structure destroyed by fire with a new structure in accordance with Ayer Zoning Bylaw (2006) 4.3.3.

March 27, 2015
April 3, 2015

LEGAL NOTICE

In accordance with MGL Chapter 40A and the Townsend Zoning Bylaw, the Townsend Zoning Board of Appeals will hold a public hearing on Wednesday, April 29, 2015 at 6:00pm at Memorial Hall, 272 Main St., on the application of

802 Apartments

Pepperell- large 4 room apt, central location, near stores, \$750/mo. No pets.
508-479-3006
978-433-6246

802 Apartments

PEPPERELL - Modern 2 bdrm apt, heat, H/W incl, new cabinets, stove, kitchen sink & counter. No pets. \$850/month
508-479-3006
978-433-6246

Public Notice

Town of Ayer Conservation Commission

The Ayer Conservation Commission will hold a public hearing on Thursday, April 9, 2015 at 7:15 p.m. at the Ayer Town Hall, 1 Main Street, Ayer, MA, regarding the petition of Crabtree Development, LLC, requesting an amendment to Condition 34 in the Order of Conditions for Snake Hill Road (MassDEP

RECEIVED
TOWN CLERK
TOWN OF AYER

2015 MAR 20 AM 8:32 *lf*



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

Notes to the Petitioner:

- All applications for a hearing must be received by the Town Administrator's Office and accompanied by:
 - (6) copies of a registered engineered drawing (size 8 1/2 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**)
- 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 eighty five dollars (\$ 85.00). Both checks should be made payable to the "Town of Ayer".
- 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: Capstone General Contracting representing Owner Thomas Wilson
(Full Name)

Residence: 23 Mill Street, Ayer MA Capstone Office: 898 Grafton St, Worcester MA
(Address)

Thomas Wilson: 978-772-3469 Capstone Office: 508-799-4463
(Phone Number)

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

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):

Thomas C. Wilson / 23 Mill Street, Ayer MA 01432

Location of Property:

23 Mill Street, Ayer MA

Assessor's Map 26 Parcel 58 Land Size 4,800 SQ FT

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

Registry of Deeds Book 10548 Page 0390

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 yes, were you denied a permit by 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.

We did not apply formally, just spoke with Building Department who stated we would need approval from ZBA.

State briefly the reasons for application:

The owner of the property at 23 Mill Street suffered a complete loss of home due to fire. His home had to be demolished. The owner is over 80 years old today and accessibility is important. By allowing us to change the existing footprint of the home, we can better allow for single floor living without the use of stairs. Most of the finished space in the home would be on the first floor including the master suite. Additionally, by today's standards, this home is already non-conforming to setbacks and frontage. By not expanding (encroaching) on neighbors and setting the property back from the street, we are making this home more conforming than it previously was.

Date: 3/20/15

Signed by Richard Lyden (FOR THOMAS WILSON)
(Petitioner)

898 ORAFTON ST., WILCESTER MA 01604
(Street Address)
FOR 23 MILL ST., AYER, MA 01432

508-799-4463
(Daytime Telephone Number)

Check List:

- Completed application
- Two checks made payable to "Town of Ayer" in the amount of \$165.00 & \$ 85.00.
- 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)

SHIRLEY STREET

IRON PIPE
(FOUND)

S78°49'34"E
60.00'

5,194 sq. ft. ±
0.119 acres ±

N/F
CTC HOLDINGS, INC.
BK. 56689 PG. 286

N13°13'41"E
86.73'

12.4'

34.0'

PROPOSED
SINGLE FAMILY
DWELLING

31.0'

32.0'

S13°14'01"W
86.51'

N/F
VALENTILE WILLIAMS, JR
& ANNE B. KITZMILLER
BK. 20621 PG. 580

PORCH
8.0'
16.0'

12.4'

IRON PIPE
(FOUND)

60.00'

N79°02'00"W

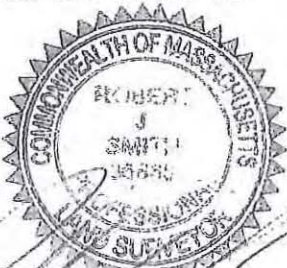
MILL STREET

(PUBLIC ~ 33' WIDE)



Proposed plan

DEED REF: 10548/390
PLAN REF: 544 of 1981
ZONED: DB
ASSESSORS REF: MAP 26 LOT 58



ROBERT J. SMITH, R.P.L.S.

March 18, 2015
DATE

PLAN FOR VARIANCE

PREPARED FOR:
THOMAS C. & MOZEANER WILSON
23 MILL STREET
AYER, MASSACHUSETTS

SCALE: 1"=20'

DATE: MARCH 18, 2015

B&R SURVEY, INC.

PROFESSIONAL LAND SURVEYORS

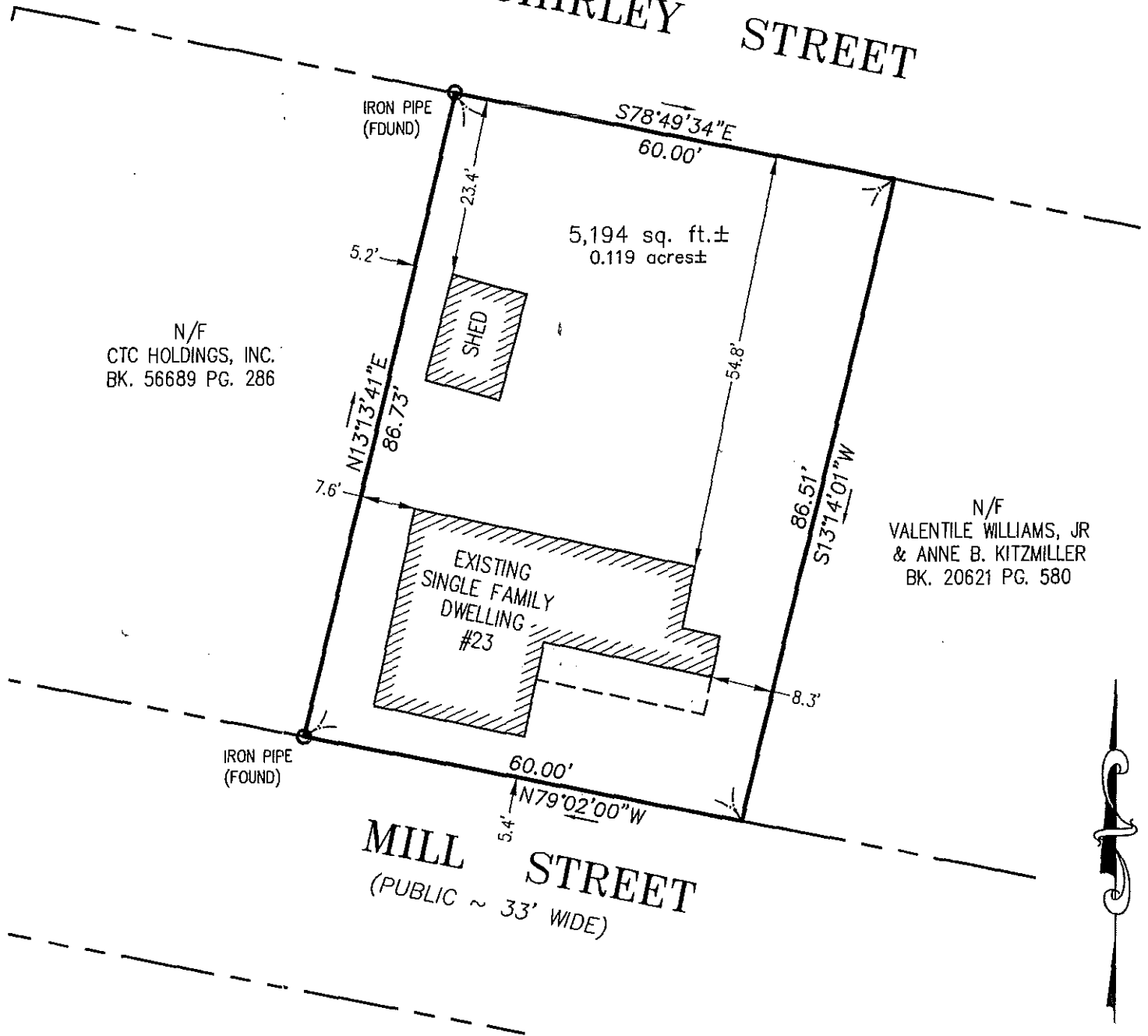
100 GROVE STREET
WORCESTER, MA 01605

TEL. 508.756.8579
FAX. 508.421.4797

DRAWN BY: RPB

PROJECT NO. 15-014

SHIRLEY STREET

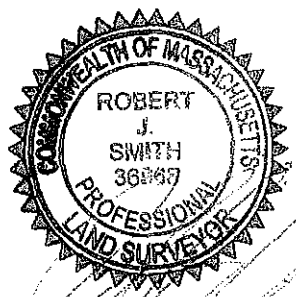


N/F
CTC HOLDINGS, INC.
BK. 56689 PG. 286

N/F
VALENTILE WILLIAMS, JR
& ANNE B. KITZMILLER
BK. 20621 PG. 580

DEED REF: 10548/390
PLAN REF: 544 of 1981
ZONED: DB
ASSESSORS REF: MAP 26 LOT 58

Existing



ROBERT J. SMITH, R.P.L.S.

Feb 11, 2015

DATE

INSTRUMENT SURVEY PLAN

PREPARED FOR:
THOMAS C. & MOZEANER WILSON
23 MILL STREET
AYER, MASSACHUSETTS

SCALE: 1"=20'

DATE: FEBRUARY 11, 2015

B&R SURVEY, INC.
PROFESSIONAL LAND SURVEYORS

100 GROVE STREET
WORCESTER, MA 01605

TEL. 508.756.8579
FAX. 508.421.4797

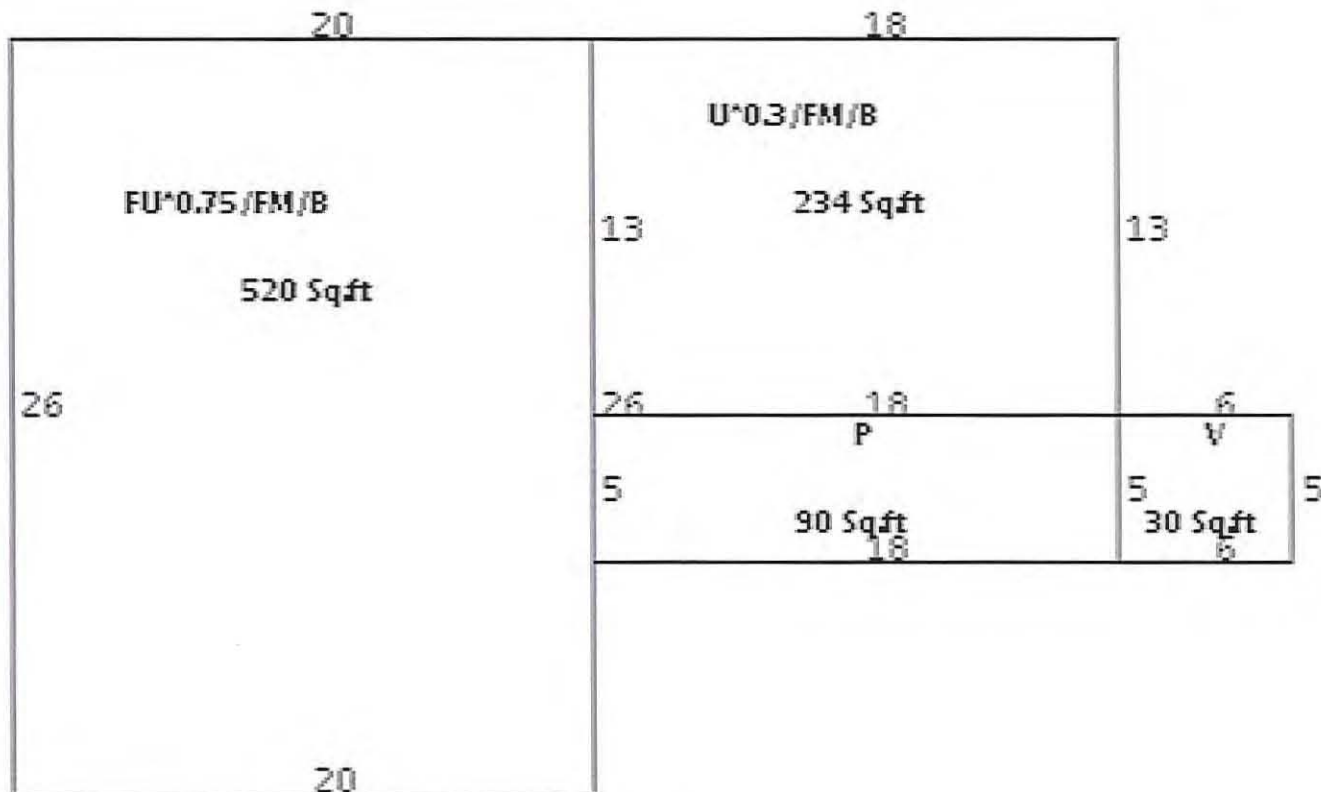
DRAWN BY: RPB

PROJECT NO. 15-014

Property Card Sketch

Shows our proposed plan decreases width of home to encroach less on properties on either side and increases length/depth to use surplus of rear lot space instead.

(6) copies



NEW CONSTRUCTION:
**SINGLE FAMILY
 DETACHED**
 23 Mill Street
 Ayer MA

ACROPOLIS
 DESIGN CONSULTANTS

18 DABBY STREET, WORCESTER MA 01495
 TEL: (734) 262-1187 info@acropolis.org

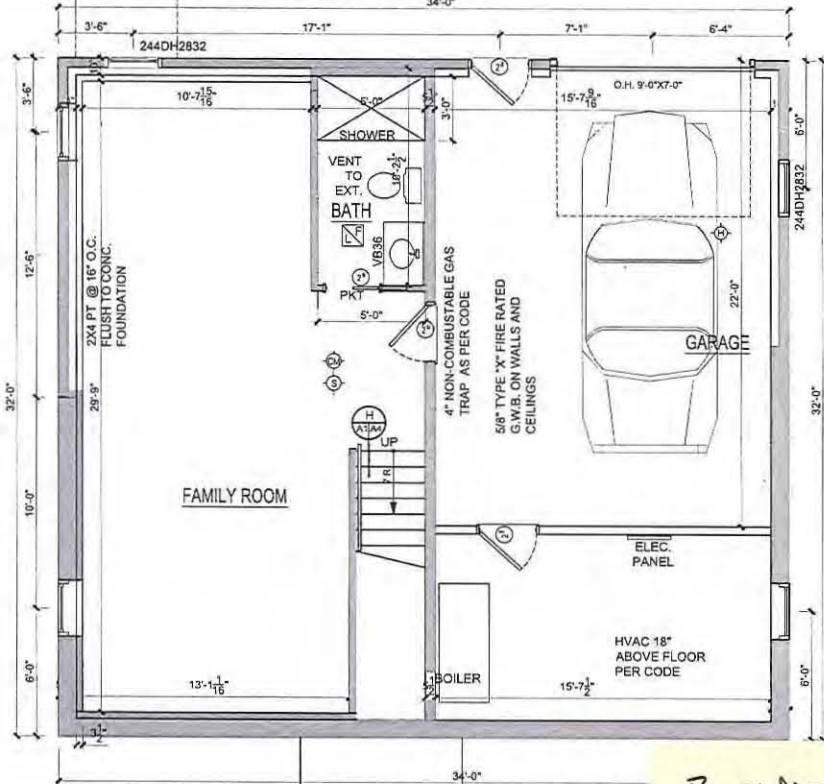
NO.	DATE	REVISION

**PROGRESS
 SET NOT
 FOR
 CONST.**

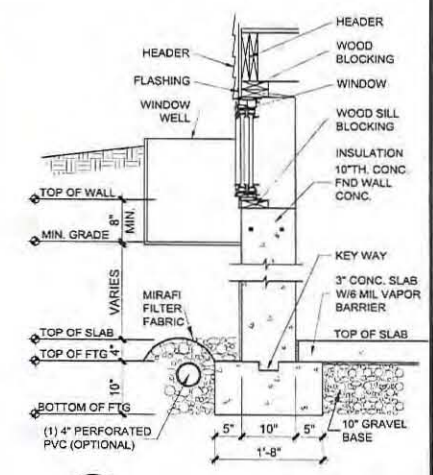
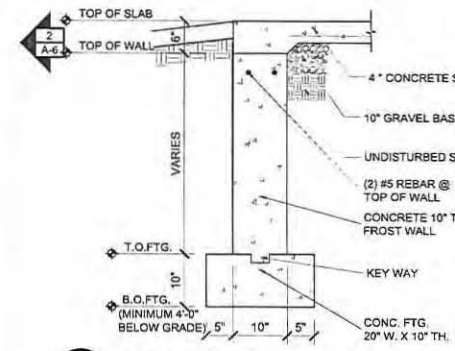
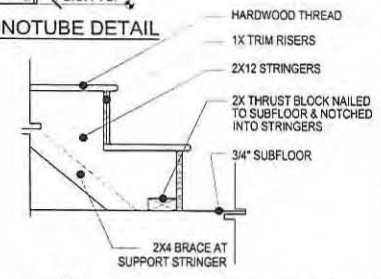
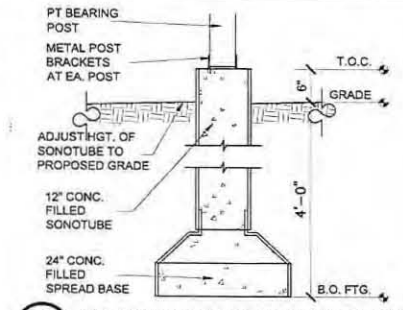
DRAWING NAME:
 ARCHITECTURAL
FIRST FLOOR PLAN
 PROJECT NUMBER: R HERNANDEZ
 SCALE: 1/4" = 1'-0" DATE: 03/10/2015
 DRAWING NUMBER:

A-2

- NOTES:
1. ALL SMOKE & CARBON MONOXIDE DETECTORS TO BE HARD WIRED PER CODE
 2. ALL BATHROOMS SHALL HAVE FANLIGHTS VENTING EXTERIOR AS PER CODE
 3. DIMENSIONS ARE FROM FACE TO FACE OF STUD



LEGEND
 BRACE WALL LINE
 BRACE WALL LOCATION (TOTAL SUM OF BRACE WALLS ON SHT. A.9)



FIRST FL
 1/4" =

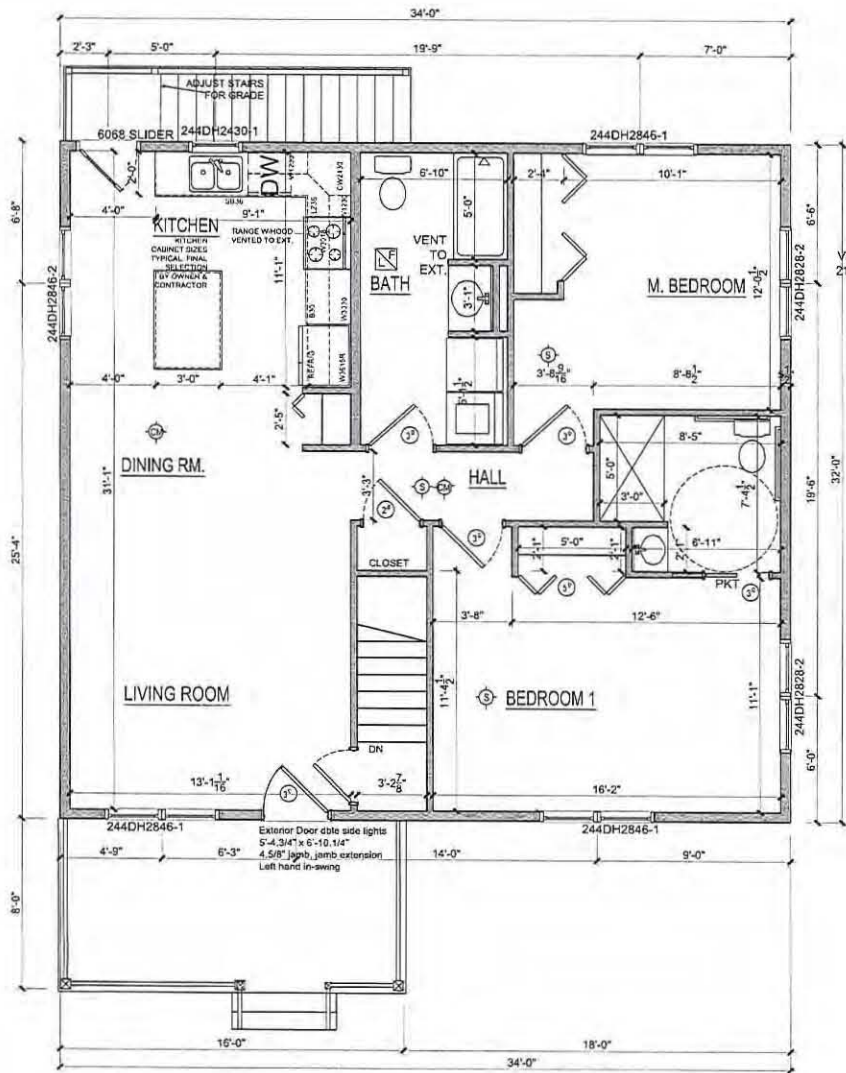
Building Plans

* NOT For construction. Plans show the footprint of the house we would like to build. Interior is still being discussed with client. Insurance settlement will allow a house this size to be built. A proposed plot plan based on this footprint.

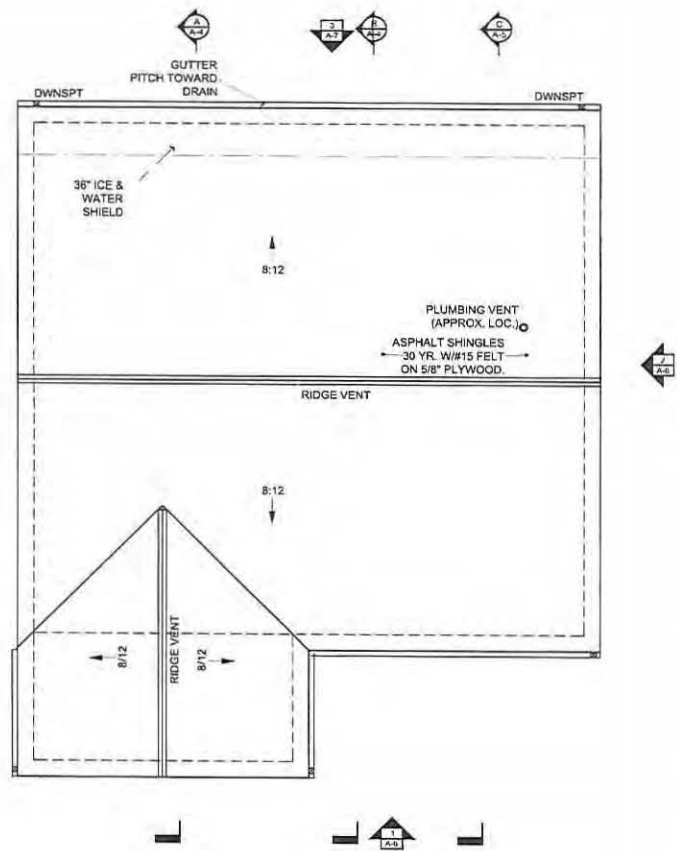
PROJECT NAME:
**NEW CONSTRUCTION:
 SINGLE FAMILY
 DETACHED**
 23 Mill Street
 Ayer MA

ACROPOLIS
 DESIGN CONSULTANTS

15 DAWBY STREET, W ORCHESTER, MA 01472
 TEL: (978) 293-3197 FAX: (978) 293-3198



Maple Vanities: 21" x 30"



NO.	DATE	REVISION

PROGRESS SET NOT FOR CONST.

DRAWING NAME:
**ARCHITECTURAL
 SECOND FLOOR &
 ROOF PLAN**

PROJECT NUMBER: RHERNANDEZ
 SCALE: AS NOTED
 DATE: 03/10/2015

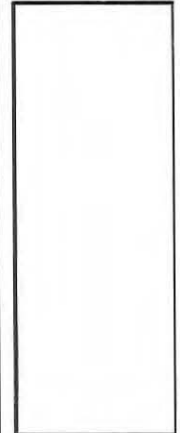
DRAWING NUMBER:

A-3

PROJECT NAME
 NEW CONSTRUCTION:
 SINGLE FAMILY
 DETACHED
 23 Mill Street
 Ayer MA

ACROPOLIS
 DESIGN CONSULTANTS

18 DARBY STREET, WORCESTER, MA 01405
 TEL: (774) 262-3187 www.acropolisdesign.org



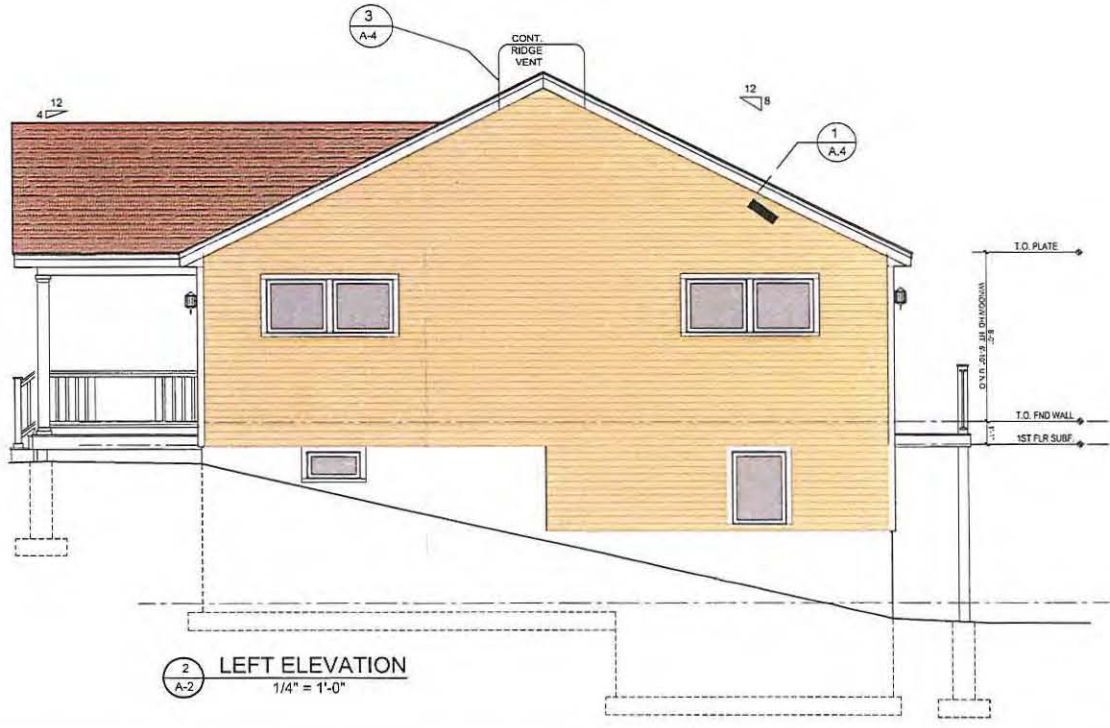
NO.	DATE	REVISION

PROGRESS
 SET NOT
 FOR
 CONST.

DRAWING NAME
 ARCHITECTURAL
 BUILDING
 ELEVATIONS

PROJECT NUMBER
 R. HERNANDEZ
 SCALE
 1/4" = 1'-0"
 DATE
 03/19/2015

DRAWING NUMBER
A-7



PROJECT NAME:
 NEW CONSTRUCTION:
 SINGLE FAMILY
 DETACHED
 23 Mill Street
 Ayer MA

ACROPOLIS
 DESIGN CONSULTANTS

18 DARBY STREET, WORCESTER MA 01605
 TEL: (774) 242-3187 www.acropolisdesign.org

NO.	DATE	REVISION:

NO.	DATE	REVISION:

**PROGRESS
 SET NOT
 FOR
 CONST.**

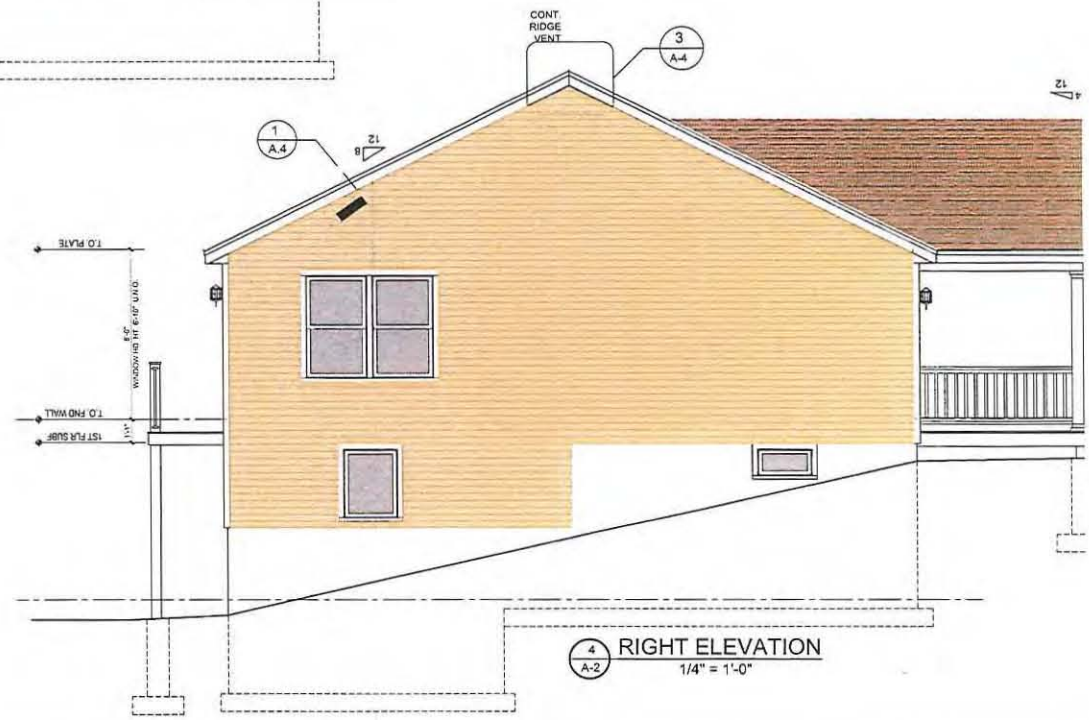
DRAWING NAME:
 ARCHITECTURAL
**BUILDING
 ELEVATIONS**

PROJECT NUMBER	DRAWN BY R. HERNANDEZ
SCALE 1/4" = 1'-0"	DATE 03/10/2015
DRAWING NUMBER	

A-8



3 REAR ELEVATION
 A-2 1/4" = 1'-0"



4 RIGHT ELEVATION
 A-2 1/4" = 1'-0"



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

<u>X</u>	BOS/Town Administrator	Review Deadline Date <u>Thursday April 9, 2015</u>
_____	Board of Health	
_____	Department of Public Works	Public Hearing Date <u>Wednesday April 15, 2015</u>
_____	Police Department	Applicant seeks a finding and/or variance to allow replacement of a pre-existing non-conforming structure destroyed by fire with a new structure in accordance with Ayer Zoning Bylaw (2006) 4.3.3.
_____	Fire Department	
_____	Building Inspector/Zoning Enforcement Officer	
_____	Conservation Committee	
_____	Tax Collector	
_____	Assessor's Office	

X Variance _____ Special Permit _____ X Finding/Appeal

Title Capstone General Contracting/Wilson Dated March 20, 2015

Submitted by Bob Coughlin, Assistant Project Manager - Capstone General Contracting

Address 23 Mill Street Telephone 508-799-4463

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.*

Signed *Rhonda A. Patten* Title Town Administrator

Date 3/20/2015



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

<input checked="" type="checkbox"/> BOS/Town Administrator <input checked="" type="checkbox"/> Board of Health <input type="checkbox"/> Department of Public Works <input type="checkbox"/> Police Department <input type="checkbox"/> Fire Department <input type="checkbox"/> Building Inspector/Zoning Enforcement Officer <input type="checkbox"/> Conservation Committee <input type="checkbox"/> Tax Collector <input type="checkbox"/> Assessor's Office	Review Deadline Date <u>Thursday April 9, 2015</u> Public Hearing Date <u>Wednesday April 15, 2015</u> Applicant seeks a finding and/or variance to allow replacement of a pre-existing non-conforming structure destroyed by fire with a new structure in accordance with Ayer Zoning Bylaw (2006) 4.3.3.
---	--

Variance
 Special Permit
 Finding/Appeal

Title Capstone General Contracting/Wilson
 Dated March 20, 2015

Submitted by Bob Coughlin, Assistant Project Manager - Capstone General Contracting

Address 23 Mill Street
 Telephone 508-799-4463

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 Bridgette Braluy
 Title Health Agent

Date 3/30/15



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

_____ BOS/Town Administrator _____ Board of Health <input checked="" type="checkbox"/> Department of Public Works _____ Police Department _____ Fire Department _____ Building Inspector/Zoning Enforcement Officer _____ Conservation Committee _____ Tax Collector _____ Assessor's Office	Review Deadline Date <u>Thursday April 9, 2015</u> Public Hearing Date <u>Wednesday April 15, 2015</u> Applicant seeks a finding and/or variance to allow replacement of a pre-existing non-conforming structure destroyed by fire with a new structure in accordance with Ayer Zoning Bylaw (2006) 4.3.3.
--	--

Variance _____ Special Permit Finding/Appeal

Title Capstone General Contracting/Wilson Dated March 20, 2015

Submitted by Bob Coughlin, Assistant Project Manager - Capstone General Contracting

Address 23 Mill Street Telephone 508-799-4463

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Approved _____ Modifications Needed _____ Disapprove

Comments:

Signed 

Title DPW Supt

Date _____



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

_____ BOS/Town Administrator _____ Board of Health _____ Department of Public Works <input checked="" type="checkbox"/> Police Department _____ Fire Department _____ Building Inspector/Zoning Enforcement Officer _____ Conservation Committee _____ Tax Collector _____ Assessor's Office	Review Deadline Date <u>Thursday April 9, 2015</u> Public Hearing Date <u>Wednesday April 15, 2015</u> Applicant seeks a finding and/or variance to allow replacement of a pre-existing non-conforming structure destroyed by fire with a new structure in accordance with Ayer Zoning Bylaw (2006) 4.3.3.
--	--

Variance
 _____ Special Permit
 _____ Finding/Appeal

Title Capstone General Contracting/Wilson Dated March 20, 2015

Submitted by Bob Coughlin, Assistant Project Manager - Capstone General Contracting

Address 23 Mill Street Telephone 508-799-4463

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 3/25/15



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

_____ BOS/Town Administrator _____ Board of Health _____ Department of Public Works _____ Police Department <input checked="" type="checkbox"/> _____ Fire Department _____ Building Inspector/Zoning Enforcement Officer _____ Conservation Committee _____ Tax Collector _____ Assessor's Office	Review Deadline Date <u>Thursday April 9, 2015</u> Public Hearing Date <u>Wednesday April 15, 2015</u> Applicant seeks a finding and/or variance to allow replacement of a pre-existing non-conforming structure destroyed by fire with a new structure in accordance with Ayer Zoning Bylaw (2006) 4.3.3.
--	--

Variance _____ Special Permit Finding/Appeal

Title Capstone General Contracting/Wilson Dated March 20, 2015

Submitted by Bob Coughlin, Assistant Project Manager - Capstone General Contracting

Address 23 Mill Street Telephone 508-799-4463

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 Fire Chief

Date 3-23-15



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

_____	BOS/Town Administrator	Review Deadline Date	<u>Thursday April 9, 2015</u>
_____	Board of Health		
_____	Department of Public Works	Public Hearing Date	<u>Wednesday April 15, 2015</u>
_____	Police Department		
_____	Fire Department		Applicant seeks a finding and/or variance to allow replacement of a pre-existing non-conforming structure destroyed by fire with a new structure in accordance with Ayer Zoning Bylaw (2006) 4.3.3.
<u>X</u>	Building Inspector/Zoning Enforcement Officer		
_____	Conservation Committee		
_____	Tax Collector		
_____	Assessor's Office		

X Variance _____ Special Permit X Finding/Appeal

Title Capstone General Contracting/Wilson Dated March 20, 2015

Submitted by Bob Coughlin, Assistant Project Manager - Capstone General Contracting

Address 23 Mill Street Telephone 508-799-4463

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_____ Approved _____ Modifications Needed _____ Disapprove

Comments: *BECAUSE OF THE EXTENT OF THE FIRE DAMAGE, I APPROVED THE BUILDING TO BE DEMOLISHED.*
I FEEL THAT THIS IS A REASONABLE ALTERNATION OF WHAT EXISTED AND APPROVE THE GRANTING OF THIS VARIANCE

Signed *[Signature]* Title BUILDING COMM.

Date 24 MAR 15



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

_____	BOS/Town Administrator	Review Deadline Date	<u>Thursday April 9, 2015</u>
_____	Board of Health		
_____	Department of Public Works	Public Hearing Date	<u>Wednesday April 15, 2015</u>
_____	Police Department		
_____	Fire Department		
<u>X</u>	Building Inspector/Zoning Enforcement Officer		Applicant seeks a finding and/or variance to allow replacement of a pre-existing non-conforming structure destroyed by fire with a new structure in accordance with Ayer Zoning Bylaw (2006) 4.3.3.
_____	Conservation Committee		
_____	Tax Collector		
_____	Assessor's Office		

X Variance _____ Special Permit X Finding/Appeal

Title Capstone General Contracting/Wilson Dated March 20, 2015

Submitted by Bob Coughlin, Assistant Project Manager - Capstone General Contracting

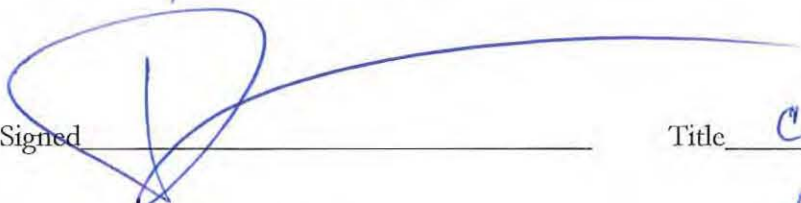
Address 23 Mill Street Telephone 508-799-4463

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.

X Approved _____ Modifications Needed _____ Disapprove

Comments:

*APPLICANT TO SPEAK WITH CONSERVATION COMMISSION
IF ANY EXCAVATION IS PLANNED.*

Signed  Title CHAIRMAN
Ayer Cons Comm

Date 3/26/15



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

_____	BOS/Town Administrator	Review Deadline Date	<u>Thursday April 9, 2015</u>
_____	Board of Health		
_____	Department of Public Works	Public Hearing Date	<u>Wednesday April 15, 2015</u>
_____	Police Department		
_____	Fire Department		
_____	Building Inspector/Zoning Enforcement Officer		
_____	Conservation Committee		
<u>X</u> _____	Tax Collector		
_____	Assessor's Office		

Applicant seeks a finding and/or variance to allow replacement of a pre-existing non-conforming structure destroyed by fire with a new structure in accordance with Ayer Zoning Bylaw (2006) 4.3.3.

X Variance _____ Special Permit X Finding/Appeal

Title Capstone General Contracting/Wilson Dated March 20, 2015

Submitted by Bob Coughlin, Assistant Project Manager - Capstone General Contracting

Address 23 Mill Street Telephone 508-799-4463

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.

X Approved _____ Modifications Needed _____ Disapprove

Comments:

Signed *Susan Popeland*

Title *Tax Collector, Town Clerk*

Date *March 24 2015*



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

_____ BOS/Town Administrator _____ Board of Health _____ Department of Public Works _____ Police Department _____ Fire Department _____ Building Inspector/Zoning Enforcement Officer _____ Conservation Committee _____ Tax Collector <input checked="" type="checkbox"/> Assessor's Office	Review Deadline Date <u>Thursday April 9, 2015</u> Public Hearing Date <u>Wednesday April 15, 2015</u> Applicant seeks a finding and/or variance to allow replacement of a pre-existing non-conforming structure destroyed by fire with a new structure in accordance with Ayer Zoning Bylaw (2006) 4.3.3.
--	--

Variance _____ Special Permit Finding/Appeal

Title Capstone General Contracting/Wilson Dated March 20, 2015

Submitted by Bob Coughlin, Assistant Project Manager - Capstone General Contracting

Address 23 Mill Street Telephone 508-799-4463

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 Thomas Hogan
Date 3/24/15

Title Assessing Administrator

RECEIVED
TOWN CLERK
TOWN OF AYER

2015 APR 23 PM 3:31



Town of Ayer
Zoning Board of Appeals
Public Hearing Notice



The Ayer ZBA will conduct a public hearing at 7:15 PM on Wednesday May 20, 2015 at the Ayer Town Hall located at 1 Main Street, Ayer, MA 01432 regarding the application by Global Montello Corp., 15 Littleton Road Ayer, MA 01432. Applicant seeks a variance from Section 5.11 of the Ayer Zoning Bylaw to allow 14' spacing between the diesel fuel dispenser islands where 30' is required.

Advertised May 1, 2015 and May 8, 2015, *The Ayer Public Spirit*

RECEIVED
TOWN CLERK
TOWN OF AYER

2015 APR 23 PM 2:47 *lf*



**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 Town Administrator's Office 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 eighty five dollars (\$ 85.00). 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)
15 Northeast Industrial Road, Branford, CT 06405
(Address)
781-402-8897
(Phone Number)

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, 96,775 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 yes, were you denied a permit by the Town of Ayer Building Inspector?
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 3830 SF convenience store with a drive-thru* donut shop and a retail fuel dispensing area with four fuel dispensers (8 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 14' spacing between the diesel fuel dispenser islands where 30' is required.

* Special Permit approved.

Date: 4/23/15

Signed by 
(Petitioner)

800 South St. Waltham, MA.
(Street Address)

781-674-7780
(Daytime Telephone Number)

Check List:

- Completed application
- Two checks made payable to "Town of Ayer" in the amount of \$165.00 & \$ 85.00.
- 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)

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 CONCRETE CURB
—	PROP. VERTICAL GRANITE CURB
—	PROP. BITUMINOUS CONCRETE CURB
—	NUMBER OF PARKING SPACES

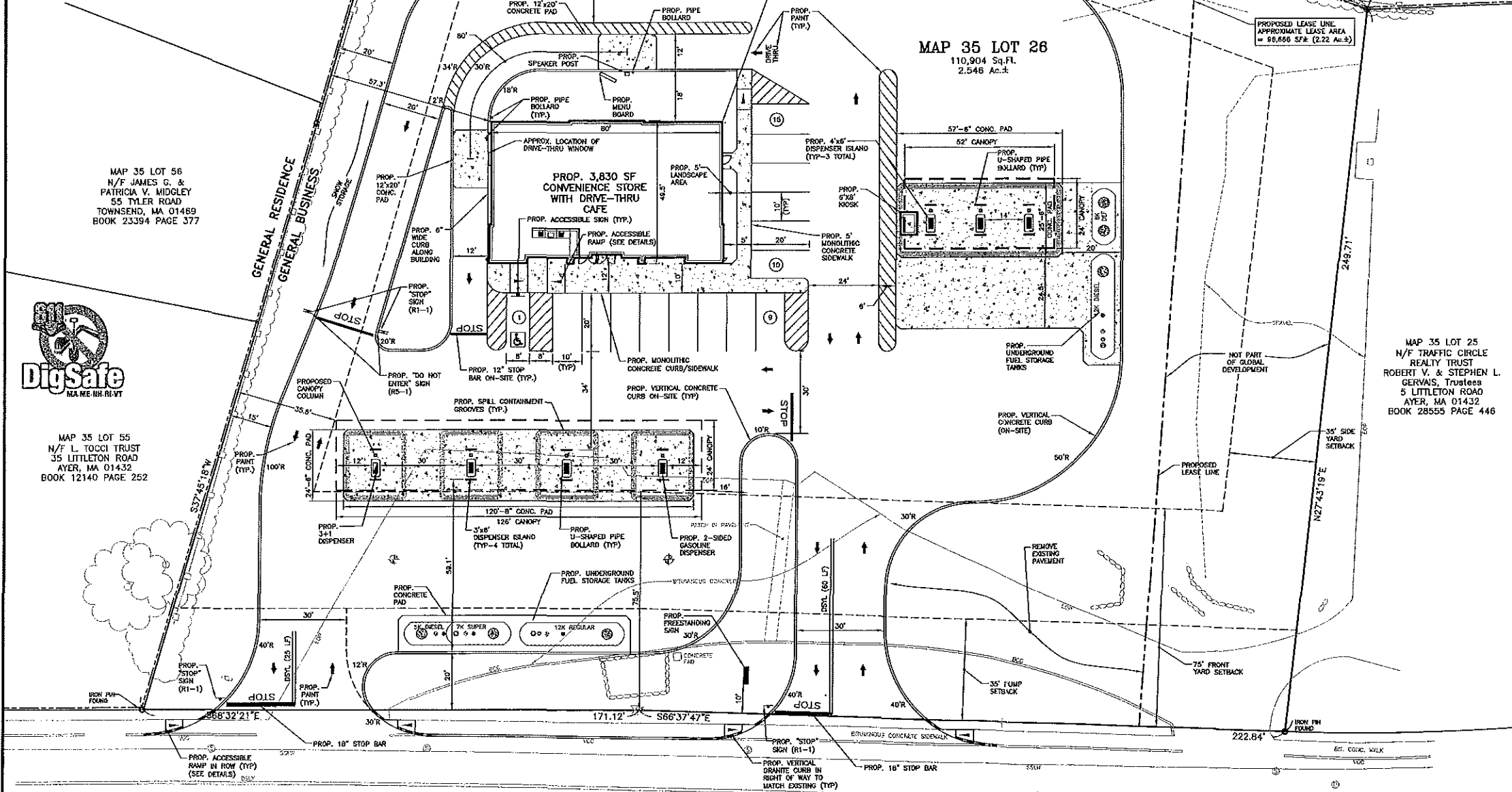
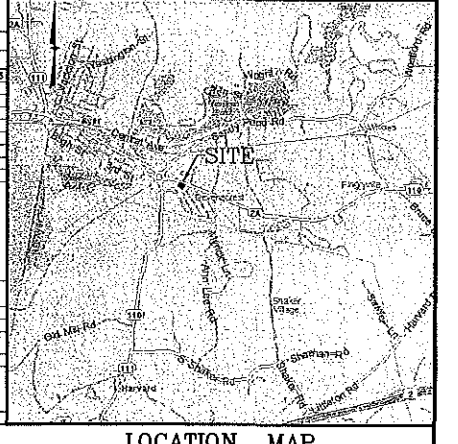
SIGN KEY

SIGN I.D. NUMBER	TEXT/COLOR	SIZE/REMARKS	NUMBER OF SIGNS
R1-1	STOP R/W	30" x 30" NEW SIGN WITH POST	3
RS-1	STOP SIGN WITH REFLECTIVE LETTERS R/W	30" x 30" NEW SIGN WITH POST	1

TABLE OF ZONING REGULATIONS - AYER, MA
ZONE: GENERAL BUSINESS (GB)

DESCRIPTION	REQUIRED	REMARKS
MINIMUM LOT AREA - SQ. FT.	15,000 SF	110,904 SF (2.546 AC.±) - SEE NOTE 3
MINIMUM LOT FRONTAGE	100'	343.90'
MINIMUM FRONT YARD BUILDING SETBACK	75' ±	75.5' TO CANOPY
MINIMUM REAR YARD BUILDING SETBACK	30' ±	112.3'
MINIMUM SIDE YARD BUILDING SETBACK	30' WHEN ADJUTING RESIDENTIAL	35.0' TO CANOPY
MIN. PUMP ISLAND SETBACK FROM R.O.W.	30'	80.1'
MIN. SPACING BETWEEN PUMP ISLANDS	30'	30'
MINIMUM FRONT LANDSCAPE STRIP	0'	20'
PARKING SPACE DIMENSIONS	10' X 20'	8' X 20', 10' X 20' & 10' X 22'
MINIMUM NUMBER AUTO PARKING SPACES	RETAIL STORE: 1 SP/200 S.F. OF G.F.A. DONUT SHOP: 1 PER 4 SEATS x 0 SEATS = 0 SPACES PLUS 1 PER 300 S.F. OF KITCHEN AREA	18 SPACES 19 SPACES
MINIMUM PARKING SETBACKS	10' FROM ANY BUILDING 5' FROM ANY PROPERTY LINE	10' FROM BUILDING 5' FROM PROPERTY LINE
MINIMUM OPEN SPACE	200 X 110,904 SF = 22,180 SF	48,800 SF/110,904 SF = 44.0%
MAXIMUM BUILDING HEIGHT	35'	24.3'
MAXIMUM BUILDING COVERAGE	60%	3,850 + 3,024 + 48 + 1,244/110,904 = 7.3%
PREEXISTING SIGN AREA/HEIGHT/SETBACK	40 SF, 15' MAX HEIGHT, 10' SETBACK	40 SF, 15' HT. ONE SIGN NOT TO EXCEED 40 SF PER TENANT
WALL SIGN AREA	ONE (1) 40 SF SIGN PER BUSINESS USE	ONE SIGN NOT TO EXCEED 40 SF PER TENANT
RESTAURANT DRIVE-THRU WINDOW STACKING	N/A	7

* SPECIFIC ZONING REQUIREMENTS FROM SECTION 5.11 GASOLINE FILLING AND/OR SERVICE STATIONS



- NOTES:**
- TAX MAP 35 LOT 26
 - ZONING DISTRICT: GENERAL BUSINESS (GB)
 - LOT AREA = 110,904 SF (2.546 AC.±).
98,665 SF (2.22 AC.±) PROPOSED LEASE AREA
 - EXISTING USE: VACANT PARCEL WITH A PAVED DRIVEWAY AND OPEN GRASSED AREA.
PROPOSED USE: RETAIL MOTOR FUEL OUTLET WHICH INCLUDES A 3,850 SF CONVENIENCE STORE WITH A DRIVE-THRU DONUT SHOP AND A RETAIL FUEL DISPENSING AREA WITH FOUR FUEL DISPENSERS (8 FUELING POSITIONS) AND AN OVERHEAD CANOPY, THREE DIESEL TRUCK FUEL DISPENSERS (2 FUELING POSITIONS) AND AN OVERHEAD CANOPY.
 - THE FOLLOWING APPROVAL WAS OBTAINED FROM THE ZONING BOARD OF APPEALS ON OCTOBER 8, 2014:
a) A SPECIAL USE PERMIT FOR DRIVE-THRU WINDOW PER ZONING BYLAW SECTION 4.4 TABLE 1.4.16.
b) THE FOLLOWING VARIANCE WILL BE REQUIRED:
i) THE MINIMUM DISTANCE BETWEEN PUMPING ISLANDS, WHERE 30' IS REQUIRED, 14' PROVIDED FOR DIESEL CANOPY (SECTION 5.11 GASOLINE FILLING AND/OR SERVICE STATIONS)
 - 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 ENGINEER SHALL BE NOTIFIED BY THE CONTRACTOR.
 - THE CONTRACTOR SHALL CALL AND COORDINATE WITH DSS&E (811) 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 BOUNDARY HAZARD ZONE AS SHOWN ON THE FLOOD INSURANCE RATE MAP - COMMUNITY PANEL #25017C0212E 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-AIR QUALITY PERMIT DWP AQ 08.

LITTLETON ROAD (ROUTES 2A & 110)

MAP 35 LOT 12 GRAPHIC SCALE
(IN FEET)
1 inch = 20 ft

OWNER OF RECORD:
FIFTEEN LITTLETON REALTY TRUST
ROBERT V. & STEPHEN L. GERVAIS, Trustees
5 LITTLETON ROAD
AYER, MASSACHUSETTS 01432
BOOK 44395 PAGE 430

OLD TOWN ROAD

MAP 35 LOT 11 **MAP 35 LOT 10** **MAP 35 LOT 10**

PRELIMINARY SITE PLAN #2
ASSESSORS MAP 35 LOT 26
15 LITTLETON ROAD
AYER, MASSACHUSETTS
PREPARED FOR:
GLOBAL MONTELLO GROUP CORP.
800 SOUTH STREET, SUITE 500
WALTHAM, MASSACHUSETTS 02453

MHF Design Consultants, Inc.
44 Stiles Road, Suite One
Salem, New Hampshire 03079
(603) 895-0720
ENGINEERS • PLANNERS • SURVEYORS
www.mhfdesign.com

SCALE: 1"=20' **DATE: APRIL 22, 2015** **DRAWING NO. 3507/SP2.DWG**
DRAWN BY: CCC **CHECKED BY: FCM** **PROJECT NO. 350714** **SHEET NO. 1 OF 1**

P:\Projects\3507\350714\3507SP2.dwg, P:SP 4/22/15 4:45pm, ksp
 Copyright © 2014 by MHF Design Consultants, Inc. All Rights Reserved.



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

<u>X</u>	BOS/Town Administrator	Review Deadline Date <u>May 12, 2015</u>
_____	Board of Health	
_____	Department of Public Works	Public Hearing Date <u>May 20, 2015</u>
_____	Police Department	
_____	Fire Department	
_____	Building Inspector/Zoning Enforcement Officer	Seeking Variance from Zoning Bylaw Section 5.11 to allow 14' spacing between the diesel fuel dispenser islands where 30' is required.
_____	Conservation Committee	
_____	Tax Collector	
_____	Assessor's Office	

X Variance _____ Special Permit _____ Finding/Appeal

Title Global Montello Group Dated April 23, 2015

Submitted by Dan Berry, Global Montello Group

Address 15 Littleton Road Telephone 781-402-8897

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 / Reviewed 4/24/2015.

Signed [Signature] Title Town Administrator

Date 4/24/2015



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

<input checked="" type="checkbox"/>	BOS/Town Administrator	Review Deadline Date <u>May 12, 2015</u>
<input type="checkbox"/>	Board of Health	
<input type="checkbox"/>	Department of Public Works	Public Hearing Date <u>May 20, 2015</u>
<input type="checkbox"/>	Police Department	
<input type="checkbox"/>	Fire Department	
<input type="checkbox"/>	Building Inspector/Zoning Enforcement Officer	Seeking Variance from Zoning Bylaw Section 5.11 to allow 14' spacing between the diesel fuel dispenser islands where 30' is required.
<input type="checkbox"/>	Conservation Committee	
<input type="checkbox"/>	Tax Collector	
<input type="checkbox"/>	Assessor's Office	

Variance Special Permit Finding/Appeal

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Approved Modifications Needed Disapprove

Comments:

Applicant will be required to submit Plans to the Board of Health for the food service part of the operation

Signed Bridgetta Brady Title Health Agent

Date 4/29/15



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

<input type="checkbox"/>	BOS/Town Administrator	Review Deadline Date <u>May 12, 2015</u>
<input type="checkbox"/>	Board of Health	
<input checked="" type="checkbox"/>	Department of Public Works	Public Hearing Date <u>May 20, 2015</u>
<input type="checkbox"/>	Police Department	
<input type="checkbox"/>	Fire Department	
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<input type="checkbox"/>	Conservation Committee	
<input type="checkbox"/>	Tax Collector	
<input type="checkbox"/>	Assessor's Office	

Variance Special Permit Finding/Appeal

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Approved Modifications Needed Disapprove

Comments: *See attached letter
concerns regarding traffic/curb cuts and
aquifer protection*

Signed *[Signature]* Title _____

Date 5-11-15

DEPARTMENT OF PUBLIC WORKS

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



Water, Wastewater, Highway & Solid Waste Divisions

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

May 11, 2015

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

**Re: 15 Littleton Road - Global Montello Group
Application for Hearing**

Dear ZBA:

I have reviewed the application for a hearing made to the Zoning Board of Appeals for the above mentioned property. The plan that was submitted is titled "PRELIMINARY SITE PLAN #2" dated April 22, 2015. Please note that the DPW review is not a detailed site plan review, but I am providing some comments regarding general layout.

- The Ayer DPW has no concerns regarding the requested zoning variance.
- The site is not within Ayer's Aquifer Protection Zone and does not appear to be in the wellhead protection zone for EPIC Enterprises, however the project proponent should verify the location of the well and protection zone.
- The two curb cuts for the parcel do not line up with the Old Towne Village access or Copeland Drive. This area has high traffic and turning counts and a traffic study should be performed.

If you have any questions or require any additional information, please feel free to contact me at (978) 772-8240.

Regards,

AYER PUBLIC WORKS DEPARTMENT

Mark Wetzel, P.E.
Superintendent

Copy: Shaun Suhoski, Town Administrator
Board of Selectmen
File



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

_____	BOS/Town Administrator	Review Deadline Date <u>May 12, 2015</u>
_____	Board of Health	
_____	Department of Public Works	Public Hearing Date <u>May 20, 2015</u>
<u>X</u> _____	Police Department	
_____	Fire Department	
_____	Building Inspector/Zoning Enforcement Officer	Seeking Variance from Zoning Bylaw Section 5.11 to allow 14' spacing between the diesel fuel dispenser islands where 30' is required.
_____	Conservation Committee	
_____	Tax Collector	
_____	Assessor's Office	

X Variance _____ Special Permit _____ Finding/Appeal

Title Global Montello Group Dated April 23, 2015

Submitted by Dan Berry, Global Montello Group

Address 15 Littleton Road Telephone 781-402-8897

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 4/29/2015

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



_____	BOS/Town Administrator	Review Deadline Date <u>May 12, 2015</u>
_____	Board of Health	
_____	Department of Public Works	Public Hearing Date <u>May 20, 2015</u>
_____	Police Department	
<u>X</u> _____	Fire Department	
_____	Building Inspector/Zoning Enforcement Officer	Seeking Variance from Zoning Bylaw Section 5.11 to allow 14' spacing between the diesel fuel dispenser islands where 30' is required.
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_____	Tax Collector	
_____	Assessor's Office	

X Variance _____ Special Permit _____ Finding/Appeal

Title Global Montello Group Dated April 23, 2015

Submitted by Dan Berry, Global Montello Group

Address 15 Littleton Road Telephone 781-402-8897

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 Fire Chief

Date 4/24/15



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

_____	BOS/Town Administrator	Review Deadline Date <u>May 12, 2015</u>
_____	Board of Health	
_____	Department of Public Works	Public Hearing Date <u>May 20, 2015</u>
_____	Police Department	
_____	Fire Department	
<input checked="" type="checkbox"/>	Building Inspector/Zoning Enforcement Officer	Seeking Variance from Zoning Bylaw Section 5.11 to allow 14' spacing between the diesel fuel dispenser islands where 30' is required.
_____	Conservation Committee	
_____	Tax Collector	
_____	Assessor's Office	

Variance _____ Special Permit _____ Finding/Appeal

Title Global Montello Group Dated April 23, 2015

Submitted by Dan Berry, Global Montello Group

Address 15 Littleton Road Telephone 781-402-8897

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: I HAVE REVIEWED THIS PROPOSAL WITH THE APPLICANT AND HAVE NO OBJECTIONS.

Signed [Signature]

Title Board Comm.

Date 20 April 15



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

_____	BOS/Town Administrator	Review Deadline Date	<u>May 12, 2015</u>
_____	Board of Health		
_____	Department of Public Works	Public Hearing Date	<u>May 20, 2015</u>
_____	Police Department		
_____	Fire Department		
<u>X</u>	Building Inspector/Zoning Enforcement Officer		
_____	Conservation Committee		Seeking Variance from Zoning Bylaw Section 5.11 to allow 14' spacing between the diesel fuel dispenser islands where 30' is required.
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_____	Assessor's Office		

X Variance _____ Special Permit _____ Finding/Appeal

Title Global Montello Group Dated April 23, 2015

Submitted by Dan Berry, Global Montello Group

Address 15 Littleton Road Telephone 781-402-8897

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_____ Approved _____ Modifications Needed _____ Disapprove

Comments: *Please confirm that no work or tank burial within the 100-ft. buffer zone to wetlands is planned. If any such work within the Buffer zone is planned, the applicant will have to come before the Conservation Commission with a filing. (It is not clear from the drawing if any wetlands are in jurisdictional proximity.)*

Signed *Javier T. Lopez* Title Commissioner, Conservation Commission

Date 5-7-15



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

_____	BOS/Town Administrator	Review Deadline Date	<u>May 12, 2015</u>
_____	Board of Health	Public Hearing Date	<u>May 20, 2015</u>
_____	Department of Public Works		
_____	Police Department		
_____	Fire Department		
_____	Building Inspector/Zoning Enforcement Officer		
<u>X</u>	Conservation Committee		
_____	Tax Collector		
_____	Assessor's Office		

Seeking Variance from Zoning Bylaw Section 5.11 to allow 14' spacing between the diesel fuel dispenser islands where 30' is required.

X Variance _____ Special Permit _____ Finding/Appeal

Title Global Montello Group Dated April 23, 2015

Submitted by Dan Berry, Global Montello Group

Address 15 Littleton Road Telephone 781-402-8897

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.

X Approved _____ Modifications Needed _____ Disapprove

Comments:

Signed *Sharon Copeland*

Title *Town Clerk & Tax Collector*

Date *April 27 2015*

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



_____ BOS/Town Administrator Review Deadline Date May 12, 2015
_____ Board of Health
_____ Department of Public Works Public Hearing Date May 20, 2015
_____ Police Department
_____ Fire Department
_____ Building Inspector/Zoning Enforcement Officer
_____ Conservation Committee
_____ Tax Collector
X _____ Assessor's Office

Seeking Variance from Zoning Bylaw Section 5.11 to allow 14' spacing between the diesel fuel dispenser islands where 30' is required.

X Variance _____ Special Permit _____ Finding/Appeal

Title Global Montello Group Dated April 23, 2015

Submitted by Dan Berry, Global Montello Group

Address 15 Littleton Road Telephone 781-402-8897

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: The location for map 35 Lot 26 (in the assessors Database) is 0 Littleton Road. The parcel has no building on it so it does not carry a street number.

Signed [Signature]


Title Assessing Administrative

Date 5/14/15

MOVE Page 1 of 1

Re: 141 Snake Hill Rd documents for non-confirming zoning approval

Chris Valentine ~~XX~~

 You replied to this message on 5/18/2015 10:32 AM.

Sent: Mon 5/18/2015 10:31 AM

To: Carly Antonellis

Hi Carly,

We spoke a few weeks back at the town hall. I dropped off my plans and picked them up later in the day with my daughter.

Here are my plot plans and design plans.

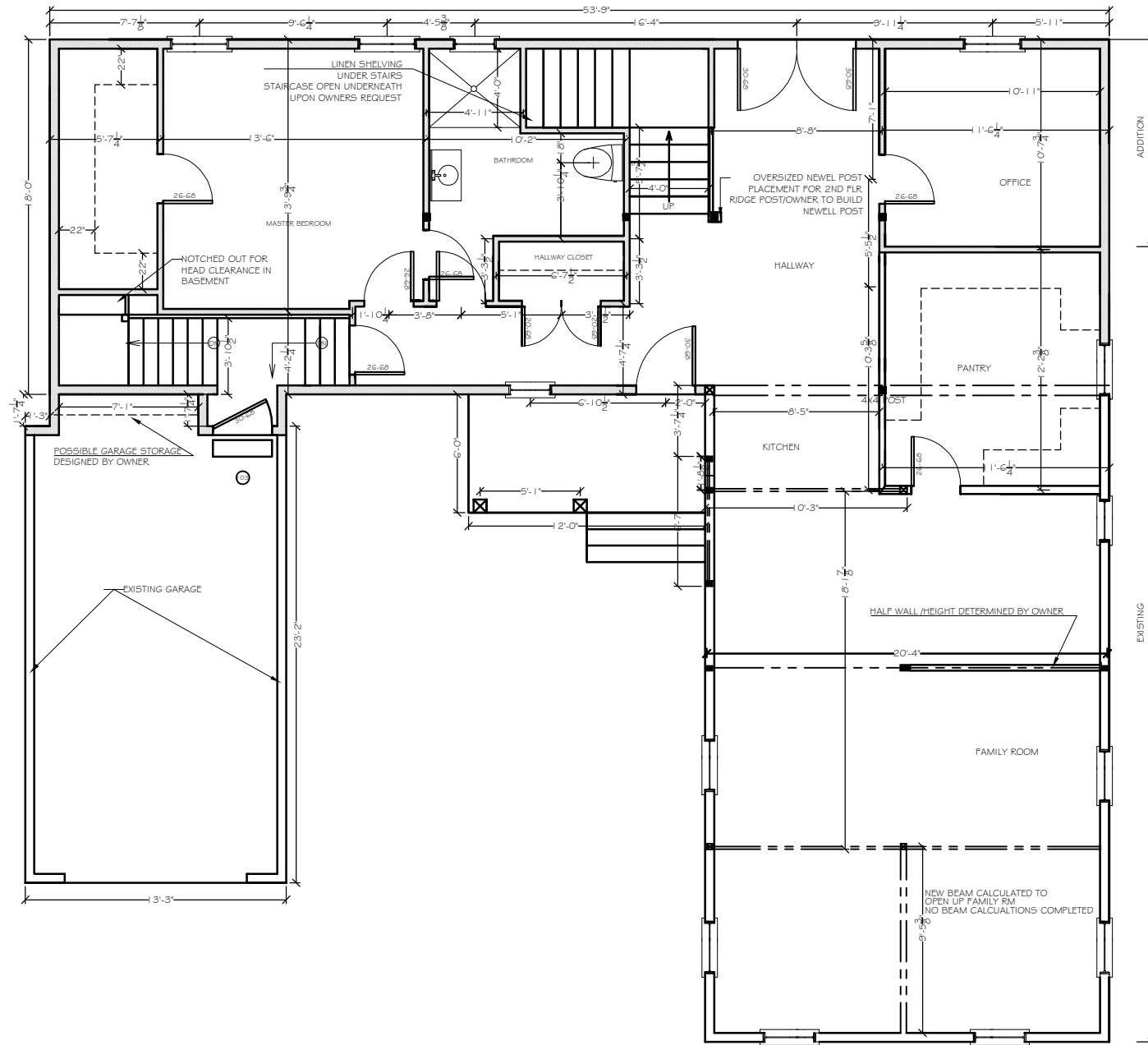
I am near wetlands and have been issued their official Order of Conditions. I will be attending the Wetlands Committee meeting tonight to finalize some very minor changes before I sign it. Likewise, the engineering plans being drawn up by Concord Lumber will change very little as well (just some fixture layout and closet arrangements). The foundation layout and dimensions will remain unchanged. This week I'll be finalizing the engineering plans so they can be go through beam calcs and receive final approval from their architectural department.

I believe we agreed to attend the May20th meeting at town hall and discuss the next steps for gaining zoning approval.

Please direct me to any documentation that needs to be filled out and or filed/registered/notarized or anything like that. I believe you mentioned something about notifying our abutters?

Thank for your help,

Chris



PROPOSED FIRST FLOOR PLAN

NO.	REVISIONS

CONCORD LUMBER CORPORATION
KATLETON LUMBER
 1100 WASHINGTON STREET
 P.O. BOX 205 • CHINA, VT • 05742-0205
 TEL: 870-880-0000 FAX: 870-880-0000

STAMP:

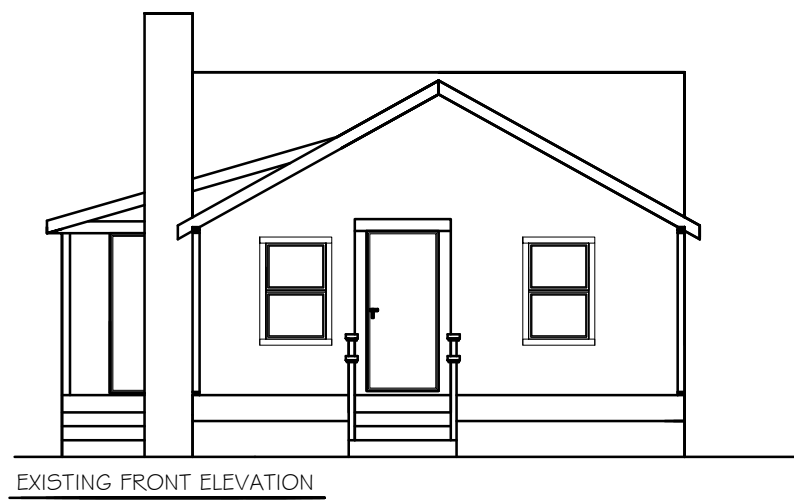
VALENTINE RESIDENCE
141 SNAKE HILL RD, AYER, MA
FIRST FLOOR PLAN

DRAWN : CHECKED :

1-10-15

JOB NO. : 1404-27

A1



NO.	DESCRIPTION

CONCORD LUMBER CORPORATION
KATLETON LUMBER
 ARCHITECTURAL DEPARTMENT
 P.O. BOX 288 O.S. CENTER, WEST LEBANON, NH 03606
 TEL: 603-893-0000 FAX: 603-893-0000

STAMP:

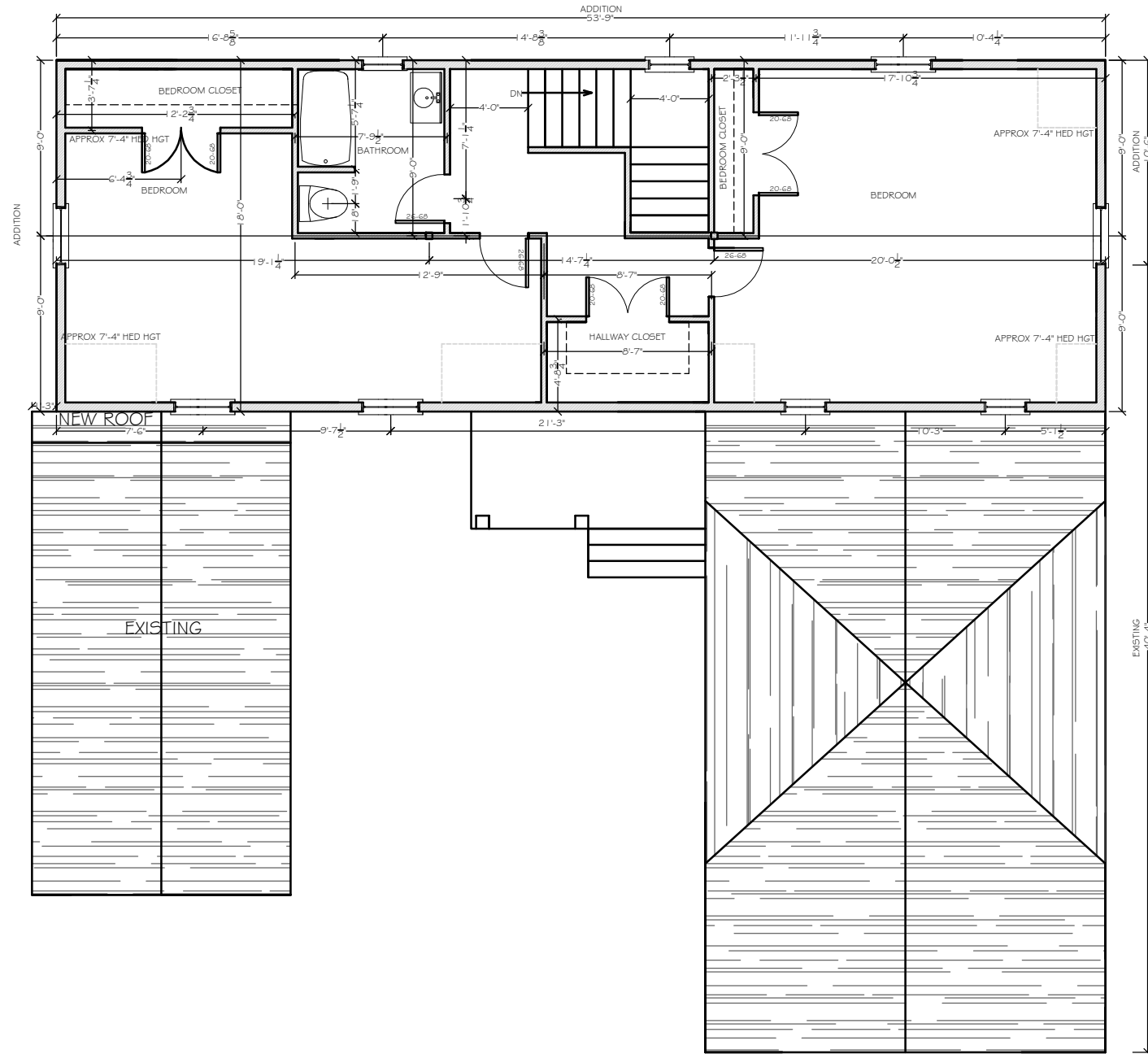
VALENTINE RESIDENCE
141 SNAKE HILL RD, AYER, MA
PROPOSED/EXISTING FRONT ELEVATION

DRAWN : CHECKED :
 1-10-15
 SCALE : 1/4"=1'-0"
 JOB NO. : 1404-27

A3

DRAWING NOTES:

1. DRAWINGS ILLUSTRATE THE DESIGN INTENT OF THE FINAL APPEARANCE OF THE BUILDING ONLY.
2. ALL WORK IS TO CONFORM TO THE MASSACHUSETTS STATE BUILDING CODE 2009 CMR AND ALL APPLICABLE REGULATIONS.
3. PRIOR TO CONSTRUCTION, CONTRACTORS SHALL THOROUGHLY EXAMINE THE DRAWINGS AND ALL EXISTING CONDITIONS AND NOTIFY THE ARCHITECTURAL DEPARTMENT OF CONCORD LUMBER COMPANY (CLC) OF ANY DISCREPANCIES OR OMISSIONS ON THE DRAWINGS.
4. ONCE CONSTRUCTION COMMENCES, CONTRACTORS ASSUME ALL RESPONSIBILITY FOR THE WORK.
5. CONTRACTORS ASSUME ALL RESPONSIBILITY FOR CONSTRUCTION MEANS, METHODS, TECHNIQUES, SEQUENCES AND PROCEDURES.
6. CONTRACTORS SHALL MAKE NO CHANGES TO THE WORK AS SHOWN ON THE DRAWINGS WITHOUT THE PRIOR APPROVAL OF ARCHITECTURAL DEPARTMENT OF CONCORD LUMBER AND CONCORD LUMBER ASSUMES NO RESPONSIBILITY FOR ANY CHANGES MADE IN THE WORK WITHOUT ITS PRIOR APPROVAL.
7. ALL WALL CONSTRUCTION SHALL COMPLY WITH 780 CMR 5602.10.5 CONTINUOUS STRUCTURAL PANEL SHEATHING, 5602.10.6 ALTERNATE BRACED WALL PANELS OR THE APA NARROW WALL BRACING METHOD.



PROPOSED SECOND FLOOR PLAN

NO.	REVISIONS

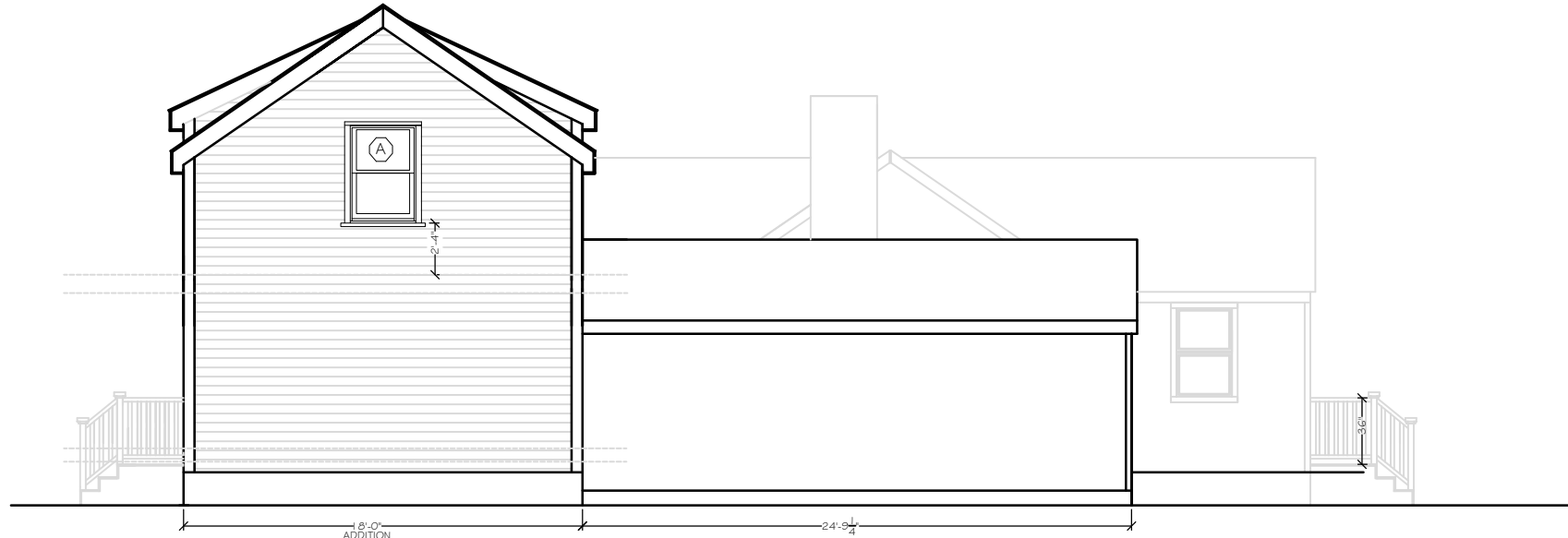
CONCORD LUMBER CORPORATION
KATLETON LUMBER
 ARCHITECTURAL DEPARTMENT
 P.O. BOX 288 • 0.5 CHINA, VT • 05740-0288, MA. 01460
 TEL: 870-880-0000 FAX: 870-880-0000

STAMP:

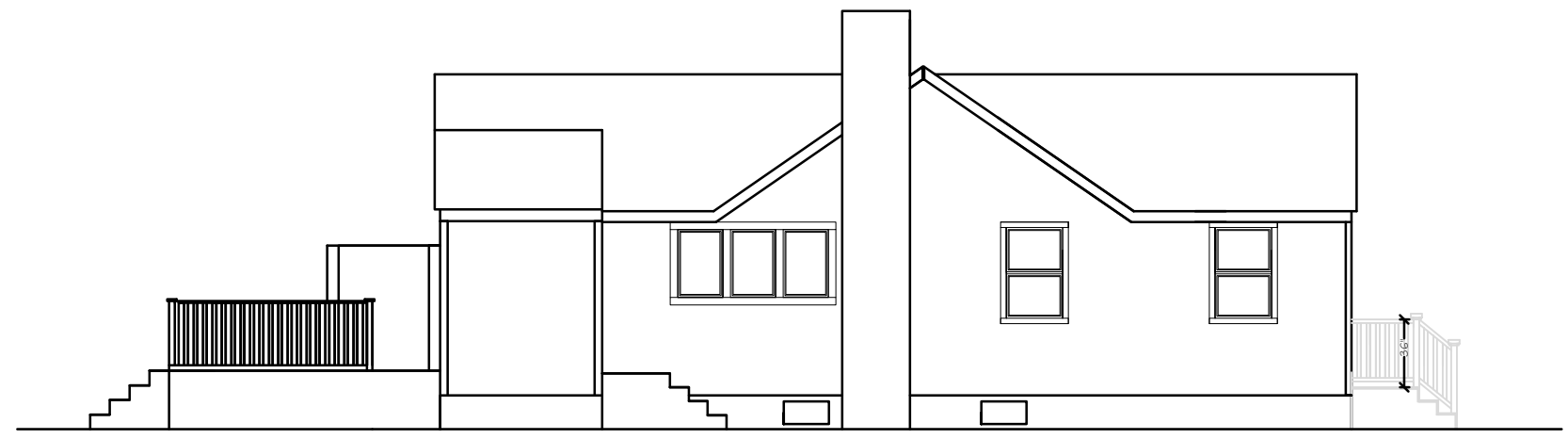
VALENTINE RESIDENCE
141 SNAKE HILL RD, AYER, MA
PROPOSED SECOND FLOOR PLAN

DRAWN : CHECKED :
 1-10-15
 SCALE : 1/4" = 1'-0"
 JOB NO. : 1404-27

A2



PROPOSED LEFT SIDE ELEVATION



PROPOSED RIGHT SIDE ELEVATION

19	REVISIONS

CONCORD LUMBER CORPORATION
KATLETON LUMBER
 ARCHITECTURAL DEPARTMENT
 P.O. BOX 100 • 0. CHINA, VT 0 5740 • TEL: 8 02-253-0200
 FAX: 8 02-253-0202

STAMP:

VALENTINE RESIDENCE
141 SNAKE HILL RD, AYER, MA
PROPOSED/EXISTING LEFT SIDE ELEVATION

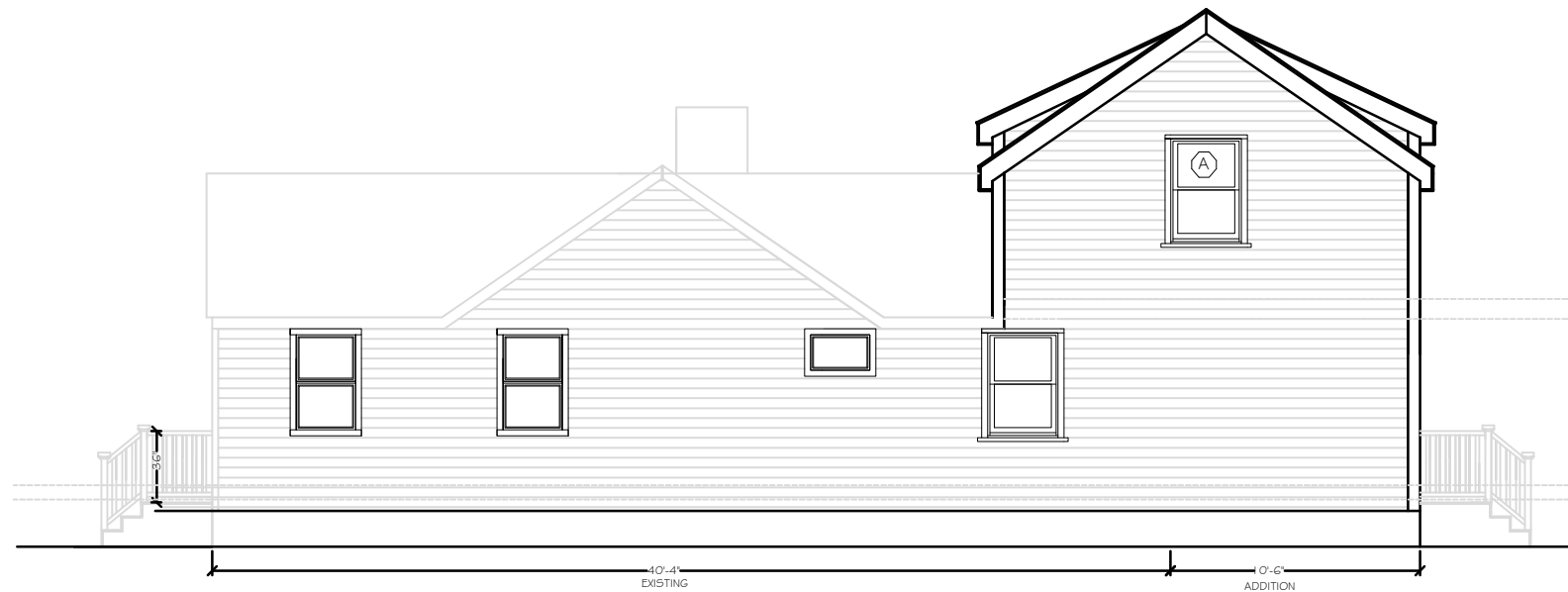
DRAWN : CHECKED :

1-10-15

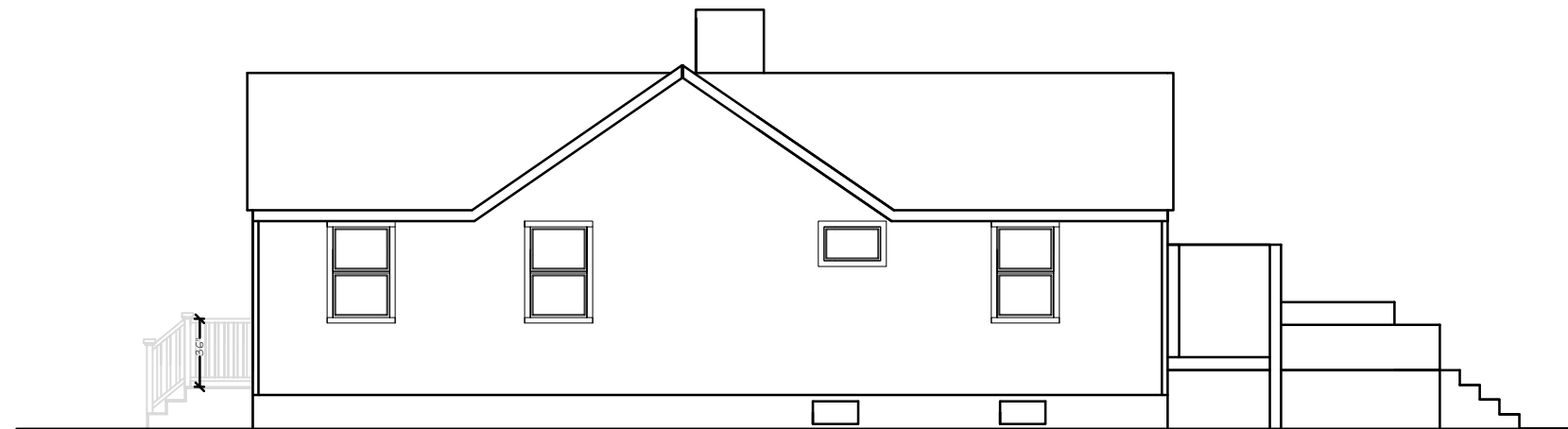
SCALE : 1/4" = 1'-0"

JOB NO. : 1404-27

A6



PROPOSED RIGHT SIDE ELEVATION



EXISTING RIGHT SIDE ELEVATION

NO.	DESCRIPTION

CONCORD LUMBER CORPORATION
KATLETON LUMBER
 ARCHITECTURAL DEPARTMENT
 P.O. BOX 288 • S. CHATHAM, MA 01958
 TEL: 978-353-0000 FAX: 978-353-0000

STAMP:

VALENTINE RESIDENCE
141 SNAKE HILL RD, AYER, MA
PROPOSED/EXISTING RIGHT SIDE ELEVATION

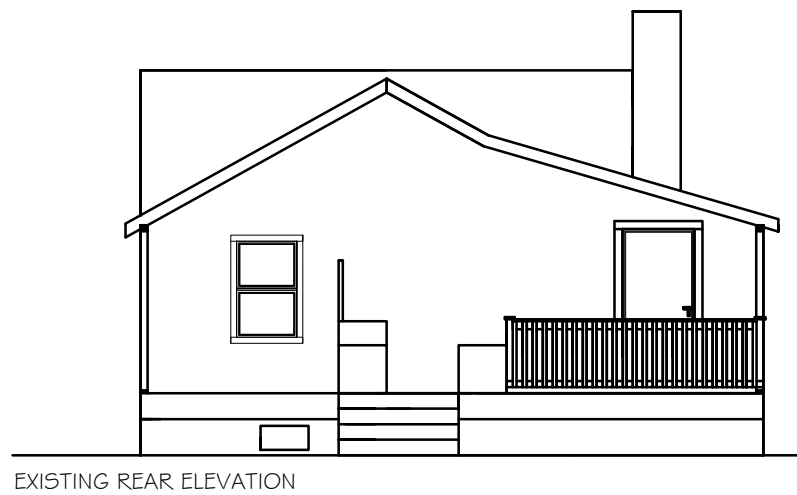
DRAWN : CHECKED :

1-10-15

SCALE : 1/4"=1'-0"

JOB NO. : 1404-27

A5



10	REVISIONS

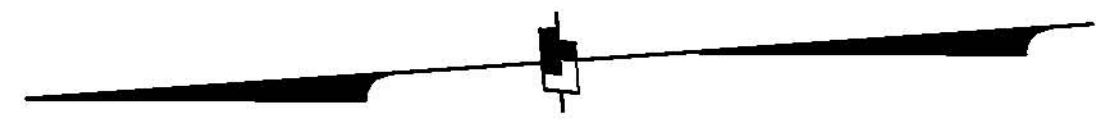
CONCORD LUMBER CORPORATION
KATLETON LUMBER
 ARCHITECTURAL DEPARTMENT
 P.O. BOX 205 • 0. CHINA, VT • 05742-0205
 TEL: 877-663-0205 FAX: 877-663-0205

STAMP:

VALENTINE RESIDENCE
141 SNAKE HILL RD, AYER, MA
PROPOSED/EXISTING REAR ELEVATION

DRAWN : CHECKED :
 1-10-15
 SCALE : 1/4"=1'-0"
 JOB NO. : 1404-27

A4



N/F
CANNON GATE CONDOMINIUM
ASSOCIATION
#75 SANDY POND ROAD
MAP 29, PARCEL 4
BOOK 41141, PAGE 0231

N/F
DANIELLE MCCRADY
#143 SNAKE HILL ROAD
MAP 29, LOT 8
BOOK 61432, PAGE 6.3

N/F
BRUCE &
KATHLEEN W. LEWIS
#143 SNAKE HILL ROAD
MAP 29, LOT 7
BOOK 62536, PAGE 75

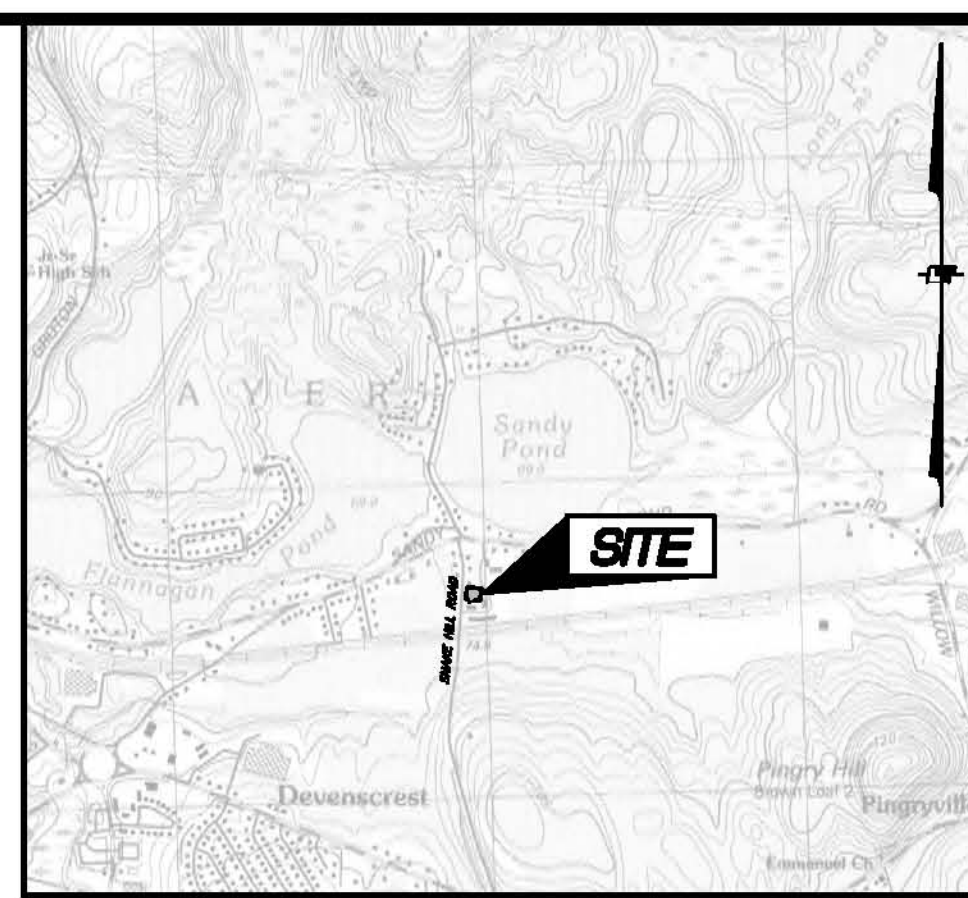
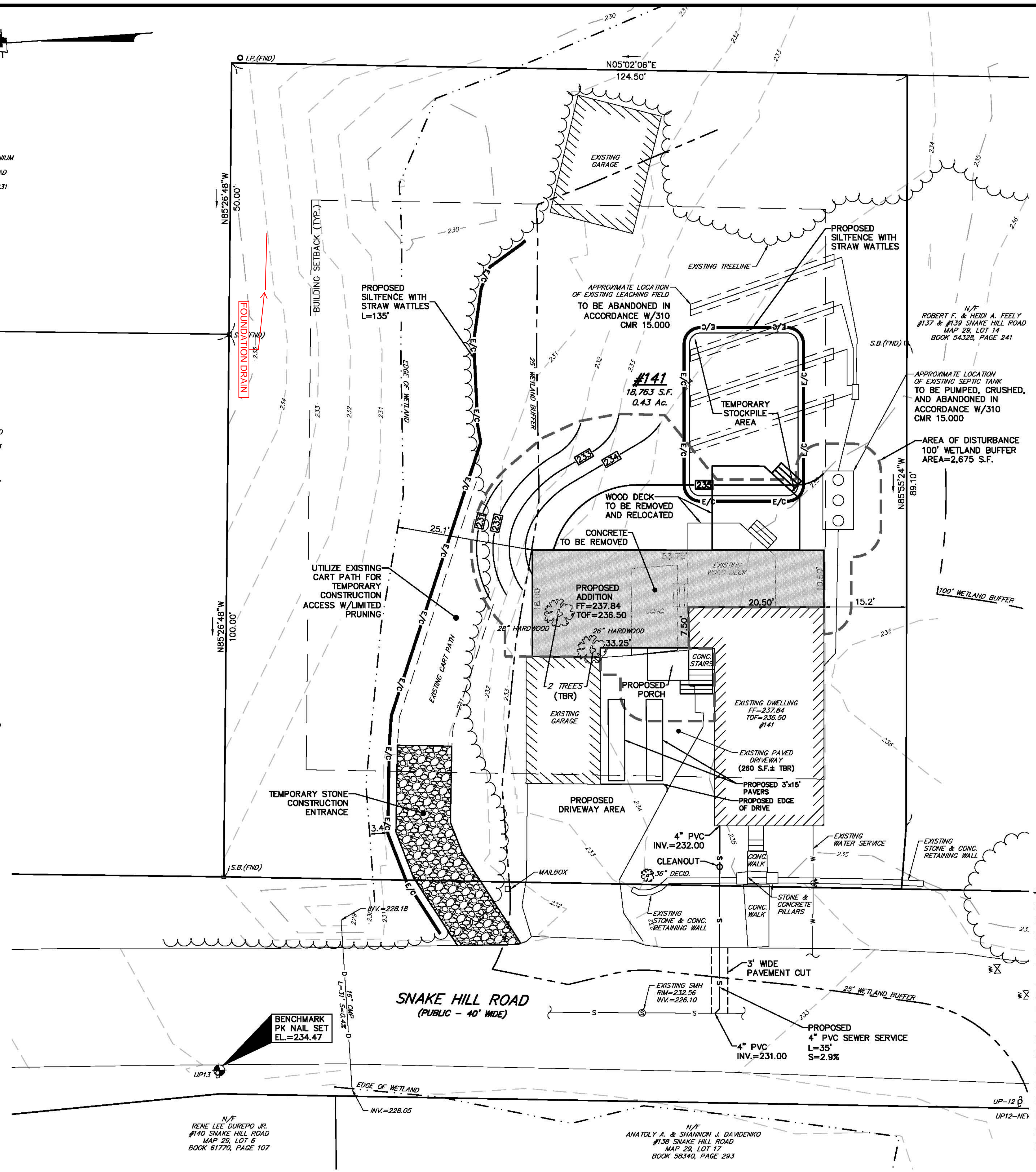
NOTES

1. TOPOGRAPHIC AND PLANOMETRIC INFORMATION OBTAINED FROM A GROUND SURVEY CONDUCTED BY LANDTECH CONSULTANTS, INC. IN DECEMBER 2014.
2. PARCEL IS LOCATED IN 'RESIDENCE A-2' ZONING DISTRICT.
MINIMUM YARD SETBACKS:
FRONT 20 FT.
SIDE 15 FT.
REAR 25 FT.
3. THIS PLAN SHOWS FEATURES WHICH WERE VISUALLY APPARENT AT THE TIME THE TOPOGRAPHIC SURVEY WAS PERFORMED. NO DETERMINATION AS TO THE EXISTENCE OF SUBSURFACE STRUCTURES, UTILITIES, ETC. HAS BEEN MADE AND THE ABSENCE OF SAME IS NOT IMPLIED OR INTENDED.
4. ALL CONSTRUCTION ACTIVITY WITHIN 100 FT. OF A WETLAND, 100' OF A RESOURCE AREA, OR 200' OF A PERENNIAL STREAM REQUIRES A FILING IN ACCORDANCE WITH THE WETLAND PROTECTION ACT M.G.L. C 131 SECT. 40.
5. IT SHALL BE THE RESPONSIBILITY OF THE INSTALLER/CONTRACTOR TO NOTIFY THE DESIGN ENGINEER OF ANY DISCREPANCY BETWEEN OBSERVED FIELD CONDITIONS AND CONDITIONS AS DESCRIBED ON THIS PLAN, BEFORE PROCEEDING WITH INSTALLATION.
6. DEVIATION FROM AN APPROVED PLAN IS PERMISSIBLE ONLY WITH THE CONSENT OF THE CONSERVATION COMMISSION AND THE DESIGN ENGINEER.
7. WETLANDS WERE DELINEATED BY NORSE ENVIRONMENTAL SERVICES, INC. AND FIELD LOCATED BY LANDTECH CONSULTANTS, INC. IN DECEMBER 2014.
8. THIS SITE IS NOT LOCATED IN A NATURAL HERITAGE OVERLAY DISTRICT BASED ON THE 2006 MASSGIS MAPS, VIEWED ONLINE JANUARY 2015.
9. THE PROPERTY IS LOCATED IN ZONE X, AREAS OUTSIDE THE 0.2% ANNUAL FLOOD (500-YEAR FLOODPLAIN). FLOOD INSURANCE RATE MAP (FIRM) WESTFORD, MASS, MAP NO. 25017C0216E, EFFECTIVE DATE JUNE 4, 2010.

CONSTRUCTION SEQUENCE

- 1.) STAKE STRAW WATTLES AND SILT FENCE AS SHOWN. INSTALLED EROSION CONTROL MUST BE INSPECTED AND APPROVED BY THE AYER CONSERVATION COMMISSION.
- 2.) CLEAR AND GRUB CONSTRUCTION AREA AS REQUIRED.
- 3.) EXCAVATE FOR STRUCTURES AND INSTALL FOUNDATION. ALL MATERIAL NOT TO BE UTILIZED FOR FINISH GRADING SHALL BE REMOVED FROM SITE. MATERIAL TO BE UTILIZED FOR GRADING AND BACKFILL SHALL BE PLACED AS SOON AS POSSIBLE.
- 4.) INSTALL SEWER SERVICE.
- 5.) ALL STOCKPILED LOAM AND FILL MATERIAL SHALL BE OUTSIDE THE 50' BUFFER ZONE.
- 6.) DURING CONSTRUCTION PROCESS ALL CONSTRUCTION VEHICLES SHALL BE PARKED OVERNIGHT OUTSIDE THE 50' BUFFER ZONE. ALL REFUELING AND MAINTENANCE SHALL BE DONE OUTSIDE THE 50' BUFFER ZONE.
- 7.) AS SOON AS CONSTRUCTION PERMITS, ALL DISTURBED AREAS SHALL BE LOAMED, SEEDED AND MULCHED.
- 8.) UPON STABILIZATION OF AREA REMOVE STRAW WATTLES AND SILT FENCE.
- 9.) ANY MATERIAL ENTERING WETLANDS DURING CONSTRUCTION PROCESS SHALL BE PROMPTLY REMOVED.
- 10.) ANY VARIATION FROM THIS PLAN MUST BE APPROVED BY THE LOCAL CONSERVATION COMMISSION.

IMPERVIOUS AREAS CHART	
EXISTING IMP.	2,716 S.F.±
PROPOSED IMP.	3,133 S.F.±
INCREASE IMP.	+417 S.F.±



LOCUS MAP
1"=2,000'

RECORD OWNERS

CHRISTOPHER J. VALENTINE
141 SNAKE HILL ROAD
AYER, MA 01432

DEED REFERENCES

M.S.D.R.D DEED BOOK 55915, PAGE 222

ASSESSOR'S REFERENCE

TAX MAP 29, LOT 9

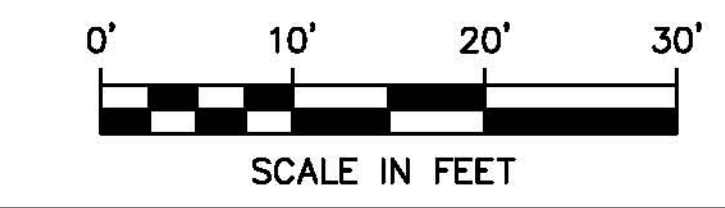
Prepared for:
CHRISTOPHER J. VALENTINE
141 SNAKE HILL ROAD
AYER, MA 01432

**CONSTRUCTION AND EROSION
CONTROL PLAN**
141 SNAKE HILL ROAD
AYER, MA

Scale: 1" = 10'
JANUARY 29, 2015

LEGEND

- EXISTING CONTOUR
- PROPOSED CONTOUR
- EDGE OF PAVEMENT
- EDGE OF WETLAND
- 100' WETLAND BUFFER
- 25' WETLAND BUFFER
- EXISTING TREELINE
- PROPOSED TREELINE
- SILT FENCE & STRAW WATTLES
- EXISTING WATER LINE
- EXISTING SEWER LINE
- PROPOSED SEWER LINE
- EXISTING DRAIN LINE
- EXISTING WATER VALVE
- EXISTING WATER SHUTOFF
- EXISTING SEWER MANHOLE
- EXISTING UTILITY POLE



PLAN
SCALE: 1" = 10'

REPRODUCTION OF THIS PLAN IN WHOLE OR PART IS PROHIBITED WITHOUT THE WRITTEN CONSENT OF THE DESIGN ENGINEER AND/OR FIRM.

LandTech
Consultants
Engineering/Design/Surveying/Permitting
515 Graton Road - Westford, MA 01886
Ph: (978) 892-6100 - landtechinc.com

Job. No. 14-220
Dwg. No. 9962
Sheet 1 of 2

DATE	4/22/15	REVISION	DMR	BY
DATE		REVISION		

Check: MAW
Draft: APH
Design: APH

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



Wednesday April 15, 2015
Open Session Meeting Minutes

Recorded by APAC

Present: Jeremy Callahan, Chair; Christa Maxant, Clerk; Michael Gibbons;
Ron Defilippo

Not Present: Sam Goodwin

Call to Order: J. Callahan called the meeting to order at 7:00 PM.

Continued Public Hearing from March 18, 2015 – Variance Application – Epic Enterprises, 1

Copeland Drive: J. Callahan reopened the hearing at 7:01 PM. Ken Duval from Duval Sign Company was in attendance to explain the need for the variance. The applicant measured from the curb line, not the lot line. K. Duval said that after the footings were poured, the Building Commissioner said it looked very close to the road and requested that a survey be done. The sign at the corner of Littleton Road and Coffman Way is 8.1 feet from the lot line, where 10 feet is required. The sign at the corner of Copeland Drive and Littleton Road is 4.5 feet from the lot line, where 10 feet is required.

C. Maxant asked for a more detailed timing on this application. She stated that she was disappointed in how this process evolved, but understood the financial burden of tearing up footings to have them re-poured.

R. Defilippo stated that with the high volume of large trucks in the area that the signs have been very helpful.

The ZBA reviewed the bylaws as related to signage and setback. The bylaw states 10 feet is required for sign setback from the lot line but it is not specific as to whether 10 feet refers to the center line of a sign, or the edge of the sign. Considering both the ambiguity of the bylaw and the financial burden to Duval Sign, the ZBA voted to grant setback variances.

The ZBA made a note to review this issue when bylaws are updated.

Motion: A motion was made by M. Gibbons and seconded by C. Maxant to grant setback variances as requested by the applicant. **Motion passed 4-0.**

Motion: A motion was made by M. Gibbons and seconded by R. Defillipo to close the public hearing relative to 1 Copeland Drive. **Motion passed 4-0.**

Public Hearing – Application for Finding and/or Variance – 23 Mill Street: J. Callahan opened the hearing at 7:16 PM and read the public hearing notice as advertised in the Ayer Public Spirit on March 27, 2015 and April 3, 2015. ZBA member M. Gibbons recused himself for this agenda item because he owns property that abuts 23 Mill Street. The board was not able to reach a quorum due to M. Gibbons recusal, so J. Callahan recommended that the hearing be continued.

Motion: A motion was made by J. Callahan and seconded by R. Defilippo to continue the Public Hearing until Wednesday May 20, 2015 at 7:00 PM. **Motion passed 3-0.**

M. Gibbons then rejoined the Zoning Board of Appeals after recusing himself for the 23 Mill Street application.

Discussion Items: Alan Rogers, 4 Pierce Avenue came before the ZBA to seek guidance on rebuilding or renovating a dwelling unit on his property. It was approved in the 1970's as a dwelling unit, but they are looking to increase the size. The ZBA advised that the applicant should file a variance application. The Board would then determine the merit of the application, when it is filed through the proper channels.

Attorney Tom Gibbons and Project Engineer Josh Swerling from Bohler Engineering were present regarding the Barnum Road Wendy's rebuild Project. Attorney Gibbons, on behalf of Wendy's, was seeking guidance in the permitting process regarding parking stall size, number of spots, and signage.

ZBA members expressed concerned with the proposed wall sign at 24' feet high, where the allowed height is 15' feet. R. Defilippo asked if the red wall as depicted on the drawings serves any other purpose besides holding the sign. The project engineer will be looking into the functionality of the wall in question.

Mike Kennedy property owner of 67 Groton School Road was in attendance seeking guidance on renovating his property before he began meeting with an architect for formal drawings. He inquired about the possibility of rebuilding or renovating.

Announcements: J. Callahan announced that the Comprehensive Plan Committee is still seeking a ZBA member, as well as at large community members. He also announced that the ZBA needs two alternate members.

J. Callahan also stated that he is anticipating that the proposed changes to the Zoning Bylaw will presented at a Special Town Meeting in the fall of 2015.

Approval of Meeting Minutes:

Motion: A motion was made by R. Defilippo and seconded by C. Maxant to approve the meeting minutes of March 18, 2015. **Motion passed 4-0.**

Adjournment:

Motion: A motion was made by M. Gibbons and seconded by C. Maxant to adjourn at 8:40 PM. **Motion passed 4-0.**

Minutes Recorded and Submitted by Carly M. Antonellis

Date Minutes Approved by ZBA: _____

Christa Maxant, Clerk: _____

DRAFT