

RECEIVED
JUN 09 2022

TOWN OF AYER
TOWN CLERK

7:14pm
C. Miller

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



Wednesday June 15, 2022

6:00 PM

Open Session Remote Participation Meeting Agenda

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

6:00 PM **Call to Order**

Approval of Agenda

Public Hearing – Appeal of Building Commissioner Decision – Lexvest Ayer, LLC.

0-1 Scully Road (Filed May 6, 2022)

6:05 PM **Public Hearing – Appeal of Building Commissioner Decision – Mimi's Place, LLC.**

94-96 East Main St. & 12-14 Page St.

6:15 PM **Public Hearing – Application for Special Permit – R.D. Kanniard Homes, Inc.**
#33 & 33B Sandy Pond Road

Approval of Meeting Minutes

May 18, 2022

Adjournment

The next regularly scheduled ZBA Meeting is July 20, 2022 at 6:00 PM via remote participation.

RECEIVED

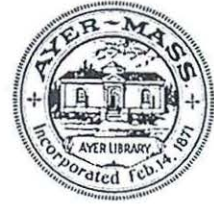
MAY 17 2022

TOWN OF AYER
TOWN CLERK

2:45pm

(Signature)

Town of Ayer
Zoning Board of Appeals
Public Hearing Notice



The Ayer ZBA will conduct a remote public hearing at 6:00 PM on Wednesday June 15, 2022 regarding an application by Lexvest Ayer, LLC., for property located at 0-1 Scully Road Ayer, MA. Applicant is seeking an Administrative Appeal of a Building Commissioner's decision pursuant to Ayer Zoning Bylaw (2019, as amended) Section 3.1.F regarding a decision on a zoning determination in the Light Industrial District. For Zoom/Call-In information please contact atm@ayer.ma.us or 978-772-8220 x100.

Advertised May 27, 2022 and June 3, 2022, *The Nashoba Valley Voice*

For Zoom/Call-In information please contact atm@ayer.ma.us or 978-772-8220 x100.



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

Name of Applicant: Lexvest Ayer, LLC
By: Christopher J. Alphen, Esq. & Mark Bobrowski, Esq.
Blatman, Bobrowski, Haverty & Silverstein, LLC

(Full Name)
9 Damonmill Square, Ste. 4A4
Concord, MA 01742

(Address)

978.371.2226 Ext. 19 (office)

(Phone Number)

chris@bbhslaw.net

(Email Address)

Applicant is: Owner _____ Tenant _____ Licensee _____ Prospective Buyer*
**If you are a tenant, licensee or prospective buyer please include a letter from the property owner acknowledging the application with the Zoning Board of Appeals.*

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):

Lexvest Ayer, LLC

Location of Property:

0-1 Scully Road, Ayer, Massachusetts

Assessor's Map 33 **Parcel** 26 **Land Size** 1.69 Acres

Zoning District: A-1 A-2 GR GB DB LI I MUT HCS
Circle One

Registry of Deeds Book 78874 **Page** 260

Aquifer Protection 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
- _____ A SPECIAL PERMIT to expand, alter, or change a non-conforming use or structure.
- X ADMINISTRATIVE APPEAL (i.e. Building Inspector Decision)

Did you request a building permit from the Town of Ayer Building Inspector? See attached hereto.

If yes, were you denied a permit by the Town of Ayer Building Inspector? See attached hereto
If you were denied a permit, please attach a copy of the decision from Building Commissioner's Office.

State briefly the reasons for application and include the appropriate citation(s) from the Ayer Zoning Bylaw:

The property is used for as a storage and warehouse facility for a gardening company.
Section 6.3 of the of the Table of Use Regulations provided in Section 5.2 of the Zoning Bylaws permits "[w]arehousing and interior storage" in the Light Industrial Zoning District.
Section 6.4 of the of the Table of Use Regulations provided in Section 5.2 of the Zoning Bylaws permits "[e]xterior storage, screened and without junk storage" in the Light Industrial Zoning District. The existing use also contains a small administrative office. Section 5.10 of the Table of Use Regulations provided in Section 5.2 of the Zoning Bylaw permits "[p]rofessional or business office" in the Light Industrial Zoning District.

Date: May 5, 2022

Signed by 

Matthew G. Blackham, Lexvest Ayer, LLC
By: Christopher J. Alphen, Esq.
Blatman, Bobrowski, Haverty & Silverstein, LLC
(Daytime Phone Number)
9 Damonmill Square, Ste. 4A4
Concord, MA 01742
(Email)
978.371.2226 Ext. 19 (office)
chris@bbhslaw.net

BLATMAN, BOBROWSKI, HAVERTY & SILVERSTEIN, LLC

ATTORNEYS AT LAW

9 DAMONMILL SQUARE, SUITE 4A4
CONCORD, MA 01742
PHONE 978.371.2226
FAX 978.371.2296

CHRISTOPHER J. ALPHEN, ESQ.
Chris@bbhslaw.net

May 6, 2022

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

RE: Administrative Appeal
0-1 Scully Road, Ayer, Massachusetts

Dear Members of the Board:

This office represents Lexvest Ayer, LLC, a Massachusetts limited liability company with an address of 141 Parker Street, Suite 305, Maynard, MA 01754 (“Lexvest”) regarding this Administrative Appeal pursuant to §3.1.F. of the Ayer Zoning Bylaws (the “Bylaw”) and G.L. c. 40A, §15. The appeal concerns the zoning determination of the use of the property known as and numbered 0-1 Scully Road, Building B, Ayer, Massachusetts (Assessors Map 33, Parcel 26) (the “Subject Property”). See Zoning Determination dated April 12, 2022, enclosed hereto.

A portion of the Subject Property is currently used for a storage facility for the gardening company Pumpkin Brook Organic Gardening (“Pumpkin Gardening”). Pumpkin Gardening provides off-site landscaping services. Pumpkin Gardening occupies approximately 4,000 square feet of interior space and utilizes some outdoor area. Pumpkin Gardening uses the interior space for the storage of landscaping tools, trucks and equipment. Pumpkin Gardening also stores landscaping materials, such as mulch, outdoors. Pumpkin Gardening also has an interior administrative office inside the building.

The Subject Property is located in the Light Industrial (LI) Zoning District. Pursuant to Section 6.3 of the Table of Use Regulations¹ “[w]arehousing and interior storage” are permitted uses as a right in the LI Zoning District. See Applicable Table of Use Regulations enclosed hereto. In addition, under Section 6.4 of the Table of Use Regulations “[e]xterior storage, screened and without junk storage” is a permitted use as a right in the LI Zoning District. See Applicable Table of Use Regulations enclosed hereto. Lastly, pursuant to Section 5.10 of the Table of Use Regulations permits “[p]rofessional or business office[s]” as a right in the LI Zoning District. See Applicable Table of Use Regulations enclosed hereto.

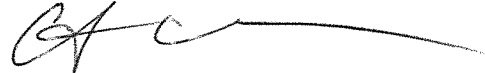
Lexvest respectfully argues that existing uses at the Subject Property are permitted as of right and does not require zoning relief. Specifically, both interior and exterior storage are

¹ The Table of Use Regulations is provided pursuant to Section 5.2 of the Bylaws. See also Section 5.1 of the Bylaws.

permitted pursuant to sections 6.3 and 6.4 of the Table of Use Regulations respectively and the administrative office is permitted pursuant to 5.10 of the Table of Use Regulations. Pursuant to Mass. Gen. L. c. 40A, §15, Lexvest requests that the Board determine that Pumpkin Gardening use of the Subject Property does not require any zoning relief and overturn the Administrative Decision.

Should you require additional information please do not hesitate to call me.

Very truly yours,

A handwritten signature in black ink, appearing to read 'C. Alphen', with a long horizontal flourish extending to the right.

Christopher J. Alphen, Esq.

Begin forwarded message:

From: Heather Hampson <hhampson@ayer.ma.us>
Subject: Request for Business Certificate
Date: April 12, 2022 at 2:44:45 PM EDT
To: "office@pbog.biz" <office@pbog.biz>
Cc: Charlie Shultz <cshultz@ayer.ma.us>

Good Afternoon

The Building Commissioner/Zoning Officer, received your request for a business license/occupancy at 1 Sculley Rd Bldg B for a gardening company. The proposed use does not meet the current zoning allowed in that district and will need Zoning Board of Appeals approval.

If you have any questions please contact Charlie Shultz, Building Commissioner/Zoning Officer at 978-772-8220 ext. 154 between 8AM and 11AM Monday thru Thursday and 8AM -10AM on Fridays. He can also email him at cshultz@ayer.ma.us

Thank you

Heather Hampson

Heather Hampson
Administrative Coordinator
Ayer Town Hall
One Main Street
978-772-8220
Ext. 154 Building Department
Ext. 144 Planning Office
Ext. 145 Board of Health

This space reserved for Recorder's use only

QUITCLAIM DEED

REGIS M. MAGNUS, TRUSTEE OF THE REGIS M. MAGNUS IRREVOCABLE CHILDREN'S TRUST, under Declaration of Trust dated November 25, 2003, pursuant to a Trustee's Certificate recorded herewith ("Grantor"), for good and valuable consideration paid of **TWO MILLION FIVE HUNDRED FIFTY THOUSAND AND 00/100 DOLLARS (\$2,550,000.00)**, grants to **LEXVEST AYER, LLC**, a Massachusetts limited liability company, with an address of 141 Parker Street, Suite 305, Maynard, Massachusetts 01754 ("Grantee"), **WITH QUITCLAIM COVENANTS**, the following four parcels of land, together with the buildings and improvements thereon, off of Scully Road in Ayer, Massachusetts:

Parcel 1

The land shown as "Parcel I" on a plan entitled "Land in Ayer, Mass. Surveyed for G.V.M. Realty, Inc." dated November 1981, prepared by Charles A. Perkins Co. Inc., Civil Engineers & Surveyors, recorded with the Middlesex South District Registry as Plan 300 of 1982 (the "1982 Plan"), being more particularly bounded and described as follows:

BEGINNING at the northeast corner of said parcel at the sideline of a way denominated on the 1982 Plan as "50' Wide Right of Way", and at the northwesterly corner of a parcel shown on the 1982 Plan to be now or formerly of G.V.M. Realty, Inc., and having an area of 1.85 acres;

THENCE S. 28° 27' 45" W. sixty-nine and 13/100 (69.13) feet;

THENCE S. 19° 03' 42" E. three hundred three (303) feet;

THENCE N. 45° 17' 18" W. two hundred seventeen and 04/100 (217.04) feet;

THENCE N. 27° 20' 00" W. three hundred forty-five (345) feet to said right of way;

THENCE S. 67° 59' 58" E. by said right of way, one hundred eighty and 90/100 (180.90) feet;

THENCE by said right of way on a curve with a radius of 356.79 feet to an arc a distance

Property address: 0-1 Scully Road, Ayer, Massachusetts

of ninety and 72/100 (90.72) feet to the point of beginning.

CONTAINING 1.01 acres according to the 1982 Plan.

Together with a right to use the "50' Wide Right of Way" shown on the 1982 Plan and as shown on that plan certain entitled "Land in Ayer, Mass. Surveyed for G.V.M Realty Inc" dated May, 1979, prepared by Charles A. Perkins Co. Inc., Civil Engineers & Surveyors, recorded with the Middlesex South District Registry as Plan 994 of 1980 (the "1980 Plan") in common with others for all purposes for which streets and ways may now or in the future be used in the Town of Ayer.

For Grantor's title to Parcel 2, see that certain deed dated February 15, 2006, recorded with the Registry in Book 47454, Page 159.

Parcel 2

The land shown as "Lot 1" on the plan entitled "Plan of Land in Ayer, Mass. Owned by Moore Family Realty, Inc." dated July 2013, prepared by David E. Ross Associates, Inc., recorded with the Middlesex South Registry of Deeds (the "Registry") as Plan 773 of 2013, containing approximately 1.69 acres.

For Grantor's title to Parcel 1, see that certain deed dated November 21, 2013, and recorded with the Registry in Book 62978, Page 118.

Parcel 3

The land shown as "Parcel II" on the 1982 Plan, being more particularly bounded and described as follows:

Beginning at the southwesterly corner thereof, on the northerly sideline of the way denominated "50' Wide Right of Way", and at land shown to be of G.V.M. Realty, Inc.;

THENCE N. 04° 07' 16" E one hundred thirty-six and 22/100 (136.22) feet to the Boston & Maine Railroad;

THENCE on an arc running easterly to southeasterly, a distance of two hundred ninety and 65/100 (290.65) feet;

THENCE continuing on an arc easterly to southeasterly, a distance of one hundred thirty-four and 36/100 (134.36) feet;

THENCE S. 75° 54' 15" E. fifty-four and 93/100 (54.93) feet;

THENCE S. 63° 33' 54" E. two hundred fifty-two and 10/100 (252.10) feet;

THENCE S. 23° 22' 41" W. two hundred eighty-one and 25/100 (281.25) feet;

THENCE N. 66° 26' 59" W. one hundred thirteen and 55/100 (113.55) feet;

THENCE N. 53° 25' 49" W. two hundred sixty-six and 80/100 (266.80) feet;

THENCE on an arc running northwesterly to westerly a distance of one hundred three and 44/100 (103.44) feet;

THENCE N. 67° 59' 58" W a distance of two hundred (200) feet to the point of beginning.

Together with a right to use the "50' Wide Right of Way" shown on the 1982 Plan and the 1980 Plan in common with others for all purposes for which streets and ways may now or in the future be used in the Town of Ayer.

For Grantor's title to Parcel 3, see that certain deed dated February 15, 2006, and recorded with the Registry in Book 47454, Page 150.

Parcel 4

The land shown as "Parcel IV" on the 1982 Plan, being more particularly bounded and described as follows:

Beginning at the most westerly corner thereof on the northerly side of said right of way:

THENCE N. 23° 22' 41" E. two hundred eighty-one and 25/100 (281.25) feet;

THENCE S. 3° 26' 18" W. two hundred ninety-two and 54/100 (292.54) feet to said right of way,

THENCE westerly at an arc ninety-nine and 88/100 (99.88) feet to point of beginning.

Together with a right to use the "50' Wide Right of Way" shown on the 1982 Plan and the 1980 Plan in common with others for all purposes for which streets and ways may now or in the future be used in the Town of Ayer.

For Grantor's title to Parcel 4, see that certain deed dated October 18, 2006, and recorded with the Registry in Book 48790, Page 104.

Grantee assumes and agrees to pay the real estate taxes attributable to the premises conveyed herein for the current and future fiscal years as are not yet due and payable as of the date hereof.

[SIGNATURE PAGE FOLLOWS]

EXECUTED as a sealed instrument this 29 day of September, 2021.

Regis M Magnus

Regis M. Magnus, Trustee of the Regis M. Magnus Irrevocable Children's Trust

STATE OF TEXAS

County of Harris

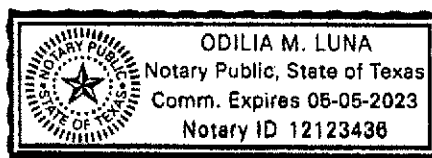
On this 29th day of September, 2021, before me, the undersigned notary public, Regis M. Magnus, Trustee of the Regis M. Magnus Irrevocable Children's Trust, personally appeared, proved to me through satisfactory evidence of identification, which was Texas Drivers Licence # 04686888, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose as the voluntary act of the Regis M. Magnus Irrevocable Children's Trust.

Odilia M. Luna

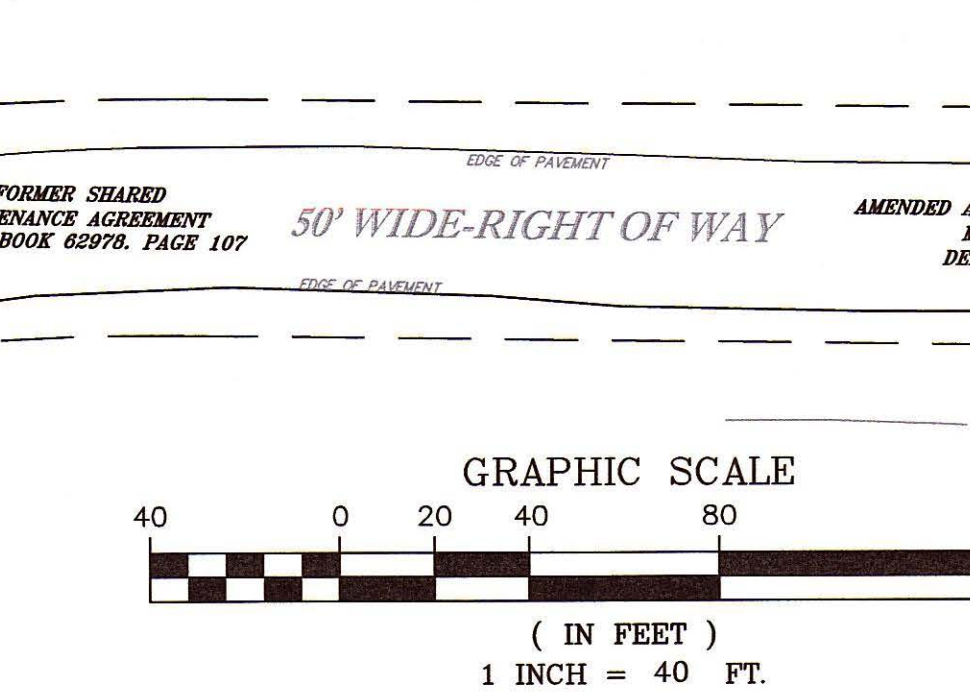
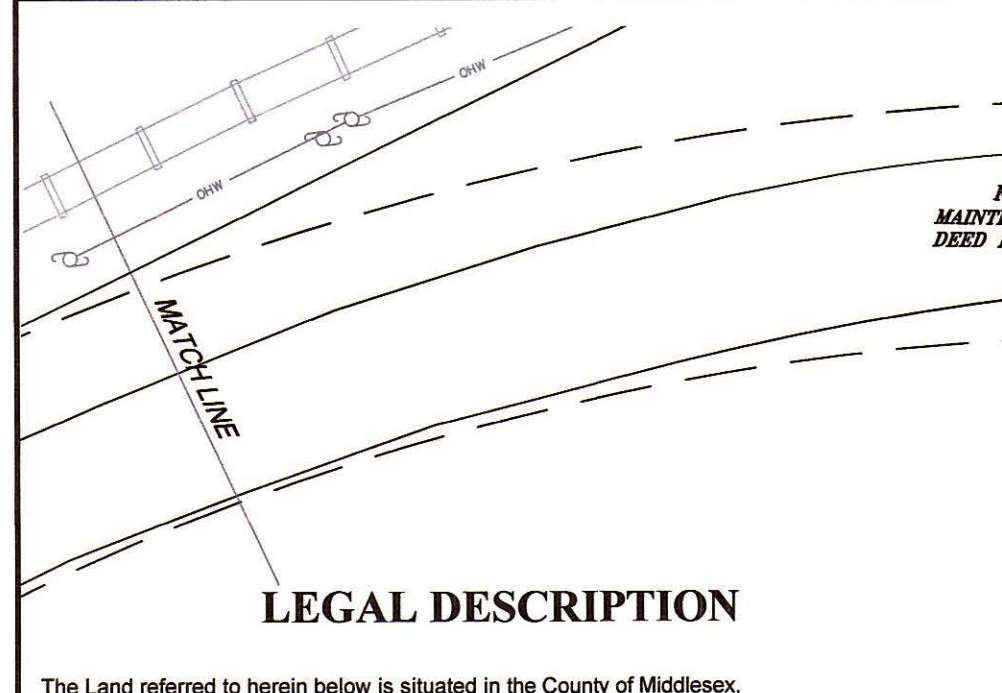
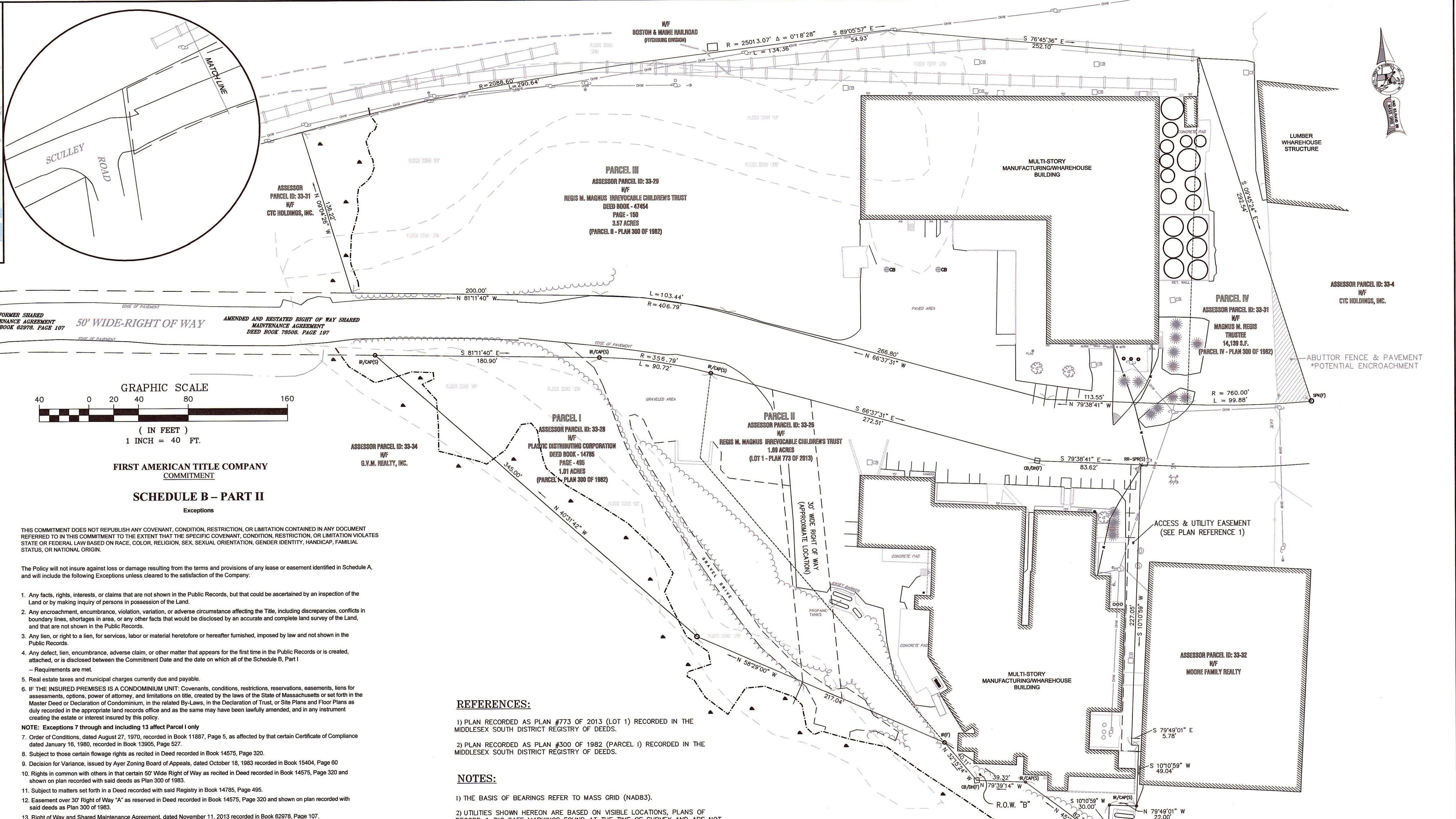
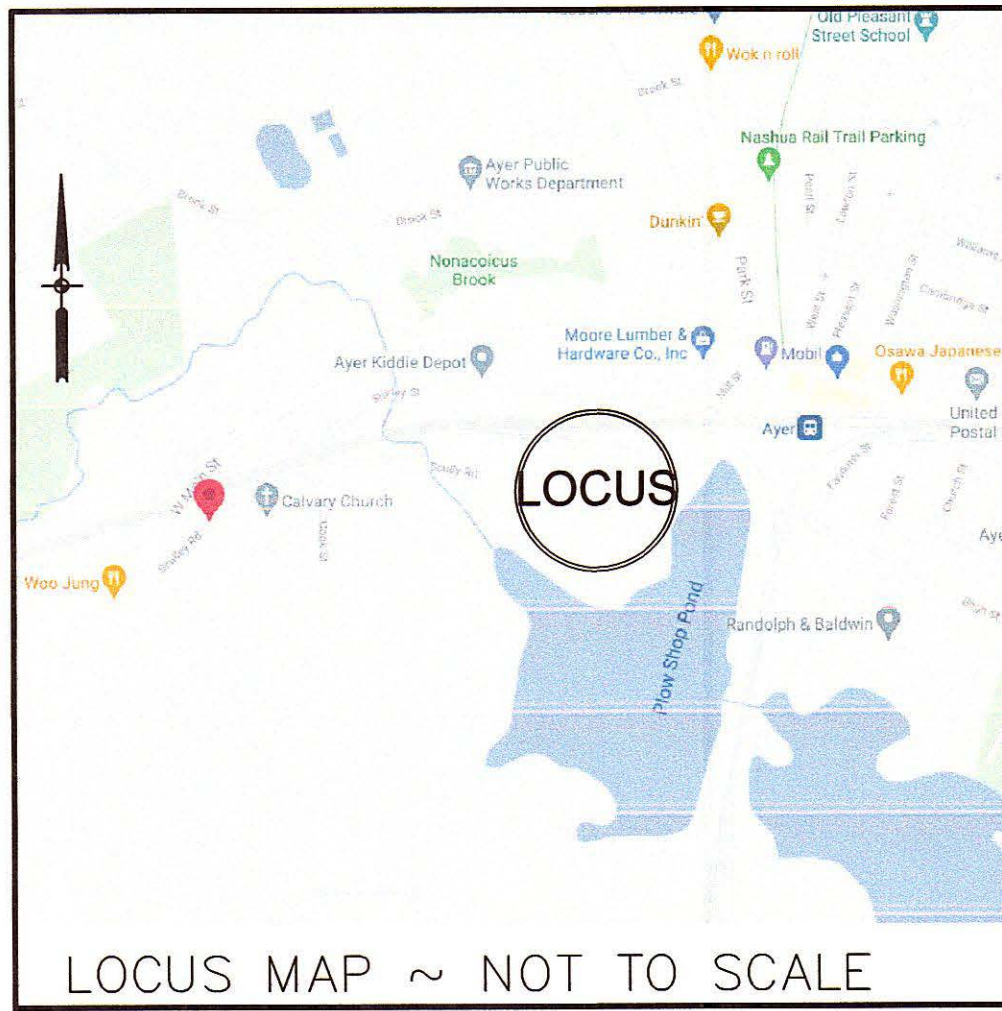
Notary Public

Printed Name: Odilia M. Luna

My Commission Expires: 05-05-23



[Seal]



Parcel I
A certain parcel of land situated in Ayer, Middlesex County, Massachusetts and shown as Parcel I on a plan of land entitled 'Land in Ayer, Mass. Surveyed for G.V.M. Realty, Inc.' dated November 1981, prepared by Charles A. Perkins Co., Inc., Civil Engineers & Surveyors, recorded with the Middlesex South District Registry of Deeds as Plan 300 of 1982 in Book 14575, Page 320, said parcel being more particularly bounded and described as follows:

Parcel II
That certain parcel of land with the buildings and improvements thereon, situated in Ayer, Middlesex County, Massachusetts, and shown as Lot 1 of a Plan of Land entitled 'Plan of Land in Ayer, Mass. Owned by Moore Family Realty, Inc.' Scale 1" = 20', dated July, 2013, prepared by David E. Ross Associates, Inc., Civil Engineers, Land Surveyors, Environmental Consultants, P. O. Box 368, 111 Fitchburg Road, Ayer, Mass., 01432, said plan was endorsed by the Ayer Planning Board on August 1, 2013. Said Plan is recorded with the Middlesex South District Registry of Deeds as Plan 773 of 2013.

Parcel III
A certain parcel of land together with the improvements thereon situated in Ayer, Middlesex County, Massachusetts and shown as Parcel III on a plan of land entitled 'Land in Ayer, Mass. Surveyed for G.V.M. Realty, Inc.', dated November, 1981, prepared by Charles A. Perkins Co., Inc., Civil Engineers & Surveyors, recorded with the Middlesex South District Registry of Deeds as Plan 300 of 1982 in Book 14575, Page 320, said parcel being more particularly bounded and described as follows:

Parcel IV
A certain parcel of land with the buildings thereon, situated in Ayer, and shown as Parcel IV on a plat recorded with Registry of Deeds, Southern District, Middlesex County, entitled 'LAND IN AYER, MA', surveyed for G.V.B. Realty, Inc.' dated November 1981 by Charles A. Perkins Co., Inc., Civil Engineers & Surveyors recorded in Plan Book 14575, Page 320, bounded and described as follows:

Parcel V
Beginning at the most westerly corner thereof at other land of the REGIN M. MAGNIUS IRREVOCABLE CHILDREN'S TRUST on the northerly side of said right of way:

Parcel VI
Beginning at the most westerly corner thereof at other land of the REGIN M. MAGNIUS IRREVOCABLE CHILDREN'S TRUST on the northerly side of said right of way:

FIRST AMERICAN TITLE COMPANY COMMITMENT
SCHEDULE B - PART II
Exceptions

- 1. Any facts, rights, interests, or claims that are not shown in the Public Records, but that could be ascertained by an inspection of the Land or by making inquiry of persons in possession of the Land.
2. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title, including discrepancies, conflicts in boundary lines, shortages in area, or any other facts that would be disclosed by an accurate and complete land survey of the Land, and that are not shown in the Public Records.
3. Any lien, or right to a lien, for services, labor or material heretofore or hereafter furnished, imposed by law and not shown in the Public Records.
4. Any defect, lien, encumbrance, adverse claim, or other matter that appears for the first time in the Public Records or is created, attached, or is disclosed between the Commitment Date and the date on which all of the Schedule B, Part I
- Requirements are met.
5. Real estate taxes and municipal charges currently due and payable.

NOTICE: Exceptions 7 through and including 13 affect Parcel I only

- 7. Order of Conditions, dated August 27, 1970, recorded in Book 11887, Page 5, as affected by that certain Certificate of Compliance dated January 16, 1980, recorded in Book 13905, Page 527.
8. Subject to those certain flowage rights as recited in Deed recorded in Book 14575, Page 320.
9. Decision for Variance, issued by Ayer Zoning Board of Appeals, dated October 16, 1983 recorded in Book 15404, Page 60
10. Rights in common with others in that certain 50' Wide Right of Way as recited in Deed recorded in Book 14575, Page 320 and shown on plan recorded with said deeds as Plan 300 of 1983.
11. Subject to matters set forth in a Deed recorded with said Registry in Book 14785, Page 495.
12. Easement over 30' Right of Way 'A' as reserved in Deed recorded in Book 14575, Page 320 and shown on plan recorded with said deeds as Plan 300 of 1983.
13. Right of Way and Shared Maintenance Agreement, dated November 11, 2013 recorded in Book 62978, Page 107.
NOTE: Exceptions 14 through and including 22 affect Parcel II only
14. Decision for Variance issued by the Town of Ayer Zoning Board of Appeals, recorded in Book 62786, Page 425.
15. Decision for Variance issued by the Town of Ayer Zoning Board of Appeals, recorded in Book 62911, Page 499.
16. Rights of way and easements recited in Deed recorded in Book 9962, Page 272 to the extent that said easements may still be in full force and existence.
17. Easement to New England Telephone and Telegraph Company and Massachusetts Electric Company recorded in Book 12214, Page 407.
18. Rights in common with others in that certain 50' Wide Right of Way as recited in Deed recorded in Book 14042, Page 87 and shown on plan recorded with said deeds as Plan 300 of 1983.
19. Easement over 30' Wide Right of Way 'A' and Right of Way 'B' as reserved in Deed recorded in Book 14042, Page 87.
20. Grant of Easement over 'Proposed Access and Utility Easement' dated November 21, 2013 recorded in Book 62978, Page 107.
21. Right of Way and Shared Maintenance Agreement, dated November 11, 2013 recorded in Book 62978, Page 107.
22. Notice of Lease dated March 2, 2021 naming Resin Distribution, Inc. as Lessee, recorded in Book 77134, Page 133.
NOTE: Exceptions 23 through and including 28 affect Parcel III only
23. Order of Conditions, dated August 27, 1970, recorded in Book 11887, Page 5, as affected by that certain Certificate of Compliance dated January 16, 1980, recorded in Book 13905, Page 527.
24. Subject to those certain flowage rights as recited in Deed recorded in Book 14575, Page 320.
25. Decision for Variance, issued by Ayer Zoning Board of Appeals, dated October 18, 1983 recorded in Book 15404, Page 60.
26. Rights in common with others in that certain 50' Wide Right of Way as recited in Deed recorded in Book 14575, Page 320 and shown on plan recorded with said deeds as Plan 300 of 1983.
27. Easement to New England Telephone and Telegraph Company and Massachusetts Electric Company recorded in Book 12214, Page 407.
28. Right of Way and Shared Maintenance Agreement, dated November 11, 2013 recorded in Book 62978, Page 107.
NOTE: Exceptions 29 through and including 33 affect Parcel IV only
29. Affidavit and Agreement dated January 3, 1991, recorded in Book 21027, Page 561.
30. Decision for Variance, issued by Ayer Zoning Board of Appeals, dated October 18, 1983 recorded in Book 15404, Page 60.
31. Rights in common with others in that certain 50' Wide Right of Way as recited in Deed recorded in Book 14575, Page 320 and shown on plan recorded with said deeds as Plan 300 of 1983.
32. Easement to New England Telephone and Telegraph Company and Massachusetts Electric Company recorded in Book 12214, Page 407.
33. Right of Way and Shared Maintenance Agreement, dated November 11, 2013 recorded in Book 62978, Page 107.

Parcel I
ASSESSOR PARCEL ID: 33-28
PLASTIC DISTRIBUTING CORPORATION
DEED BOOK - 14785
PAGE - 495
1.01 ACRES
(PARCEL I - PLAN 300 OF 1982)
Parcel II
ASSESSOR PARCEL ID: 33-26
REGIS M. MAGNIUS IRREVOCABLE CHILDREN'S TRUST
1.89 ACRES
(LOT 1 - PLAN 773 OF 2013)
Parcel III
ASSESSOR PARCEL ID: 33-29
REGIS M. MAGNIUS IRREVOCABLE CHILDREN'S TRUST
DEED BOOK - 47454
PAGE - 189
3.57 ACRES
(PARCEL III - PLAN 300 OF 1982)
Parcel IV
ASSESSOR PARCEL ID: 33-31
MAGNIUS M. REGIS TRUSTEE
14,199 S.F.
(PARCEL IV - PLAN 300 OF 1982)
ASSESSOR PARCEL ID: 33-34
G.V.M. REALTY, INC.
ASSESSOR PARCEL ID: 33-32
MOORE FAMILY REALTY
ASSESSOR PARCEL ID: 33-36
G.V.M. REALTY, INC.

REFERENCES:

- 1) PLAN RECORDED AS PLAN #773 OF 2013 (LOT 1) RECORDED IN THE MIDDLESEX SOUTH DISTRICT REGISTRY OF DEEDS.
2) PLAN RECORDED AS PLAN #300 OF 1982 (PARCEL I) RECORDED IN THE MIDDLESEX SOUTH DISTRICT REGISTRY OF DEEDS.

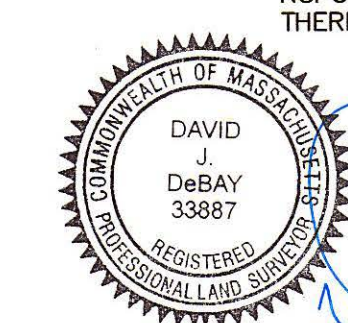
NOTES:

- 1) THE BASIS OF BEARINGS REFER TO MASS GRID (NAD83).
2) UTILITIES SHOWN HEREON ARE BASED ON VISIBLE LOCATIONS, PLANS OF RECORD & DIG SAFE MARKINGS FOUND AT THE TIME OF SURVEY AND ARE NOT WARRANTED TO BE COMPLETE.
3) SAID PROPERTY IS LOCATED WITHIN AN AREA HAVING A FLOOD ZONE DESIGNATION 'X & AE' BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA), ON FLOOD INSURANCE RATE MAP, WITH A DATE OF JUNE 4, 2010, FOR COMMUNITY NO. 250-1700-021E IN MIDDLESEX COUNTY, STATE OF MASSACHUSETTS, WHICH IS THE CURRENT FLOOD INSURANCE RATE MAP FOR THE COMMUNITY IN WHICH SAID PREMISES IS SITUATED.
4) PARCEL I & II ARE CONTIGUOUS TO EACH OTHER. PARCEL III & IV ARE CONTIGUOUS TO EACH OTHER.

CERTIFICATION

TO: LEXVEST AYER, LLC, DIGITAL FEDERAL CREDIT UNION, FIRST AMERICAN TITLE INSURANCE COMPANY AND ITS SUCCESSORS AND/OR ASSIGNS:

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2021 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1-4, 9, 13, 16 & 19 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED DURING JUNE 2021.



Signature of David J. DeBay, P.L.S. # 33887, dated 10/21/21.

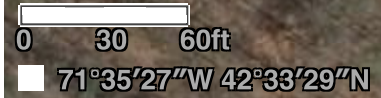
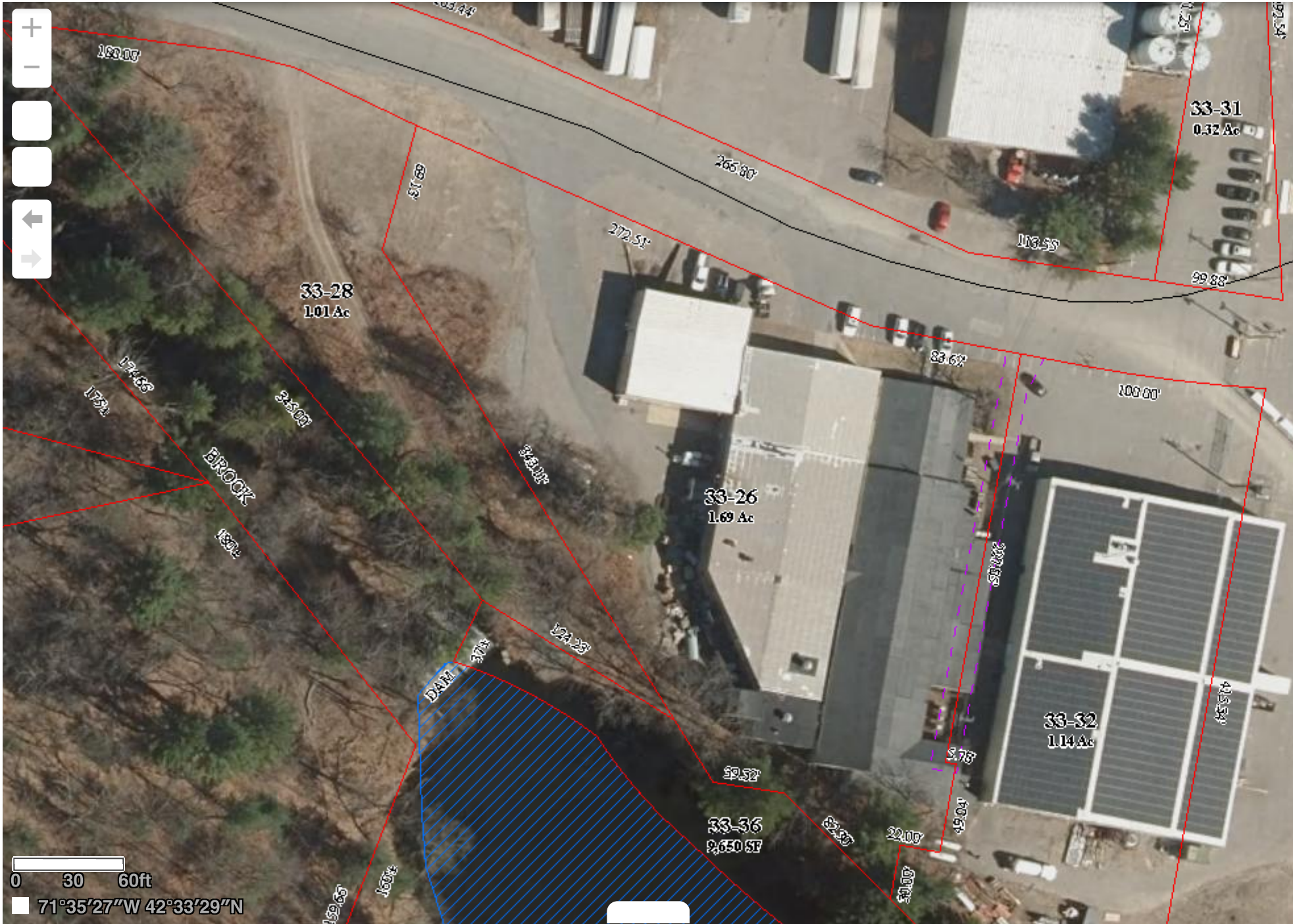
LEGEND table listing symbols for OHW, IRON/STEEL PIPE, STONE BOUND, UTILITY POLE, PIPE/ROD, STONE BOUND, MONITORING WELL, BLDG./WALL MOUNTED FLOOD LITE, CATCH BASIN, OVERHEAD WIRE, EDGE OF WATER, C.L.F./CHAIN LINK FENCE, WOOD/STOCKADE FENCE, EXISTING BUILDING, ASSESSOR PARCEL LINES.

GPR Engineering Solutions for Land & Structures
GOLDSMITH, PREST & RINGWALL, INC.
39 MAIN STREET, SUITE 301, AYER, MA 01432
CIVIL ENGINEERING • LAND SURVEYING • LAND PLANNING
VOICE: 978.772.1590 FAX: 978.772.1591 www.gpr-inc.com
ALTA/NSPS Land Title Survey
SCULLY ROAD AYER, MASS.
PREPARED FOR: THE LEXVEST GROUP, LLC
2 SHAKER ROAD - SUITE 218 AYER, MA 01464
FIELD: AB/MD DATE: OCTOBER 2021 JOB: 211027 1 OF 1
CALC/DRFT: DSB

P:\211027\DWG\SURVEY DWG\FINAL\211027_ALTA_2A.DWG

2021 © COPYRIGHT GOLDSMITH, PREST & RINGWALL, INC.

MRMapper Ayer Assessor Site



Page datalets/datalet.aspx?mode=agriculture not registered

PARID: 0190330000000260

MUNICIPALITY: AYER

LUC: 400

REGIS M MAGNUS IRREVOCABLE CHILDRENS TRU

0 SCULLY ROAD

PARCEL YEAR: 2022

Property Information

Property Location: 0 SCULLY ROAD
 Class: I-INDUSTRIAL
 Use Code (LUC): 400-MANUFACTURING FACILITIES
 District: MA019 - AYER
 Deeded Acres: 1.6900
 Square Feet: 73,616

Owner

Owner	Co-Owner	City	Address	State	Zip Code	Deed Book/Page
REGIS M MAGNUS IRREVOCABLE CHILDRENS TRU	S/O LEXVEST AYER LLC	MAYNARD	141 PARKER STREET SUITE 305	MA	01754	78874/260

Sales

Sale Date (D/M/Y)	Book/Page	Sale Price	Grantee:	Grantor:	Cert Doc #
08-10-2021	78874-260	\$2,550,000	LEXVEST AYER LLC	MAGNUS REGIS M	
25-11-2013	62978-118	\$465,000	REGIS M MAGNUS IRREVOCABLE CHILDRENS TRU	MOORE FAMILY REALTY INC	
05-05-2004	42711-497	\$1,494,800	MOORE FAMILY REALTY INC	PAC REALTY TRUST	

Owner History

1 of 18

Tax Year: 2022
 Owner: REGIS M MAGNUS IRREVOCABLE CHILDRENS TRU
 Co-Owner: S/O LEXVEST AYER LLC
 Sale Care Of:
 State: MA
 City: MAYNARD
 Address: 141 PARKER STREET SUITE 305
 Zip Code: 01754

Deed Book/Page

78874/260

Land

Land Line #	Land Type	Land Code	Class	Square Feet	Acres	Suppressed	CH61B %	Infl %	Infl Reason	Infl 2 %	Infl 2 Reason	Base Rate	Chap Market Value	Assessed Value
1	A-ACREAGE	P-PRIMARY	400-MANUFACTURING FACILITIES	63,162	1.45	N						150,000		217,500
2	A-ACREAGE	U-UNDEVELOPED	400-MANUFACTURING FACILITIES	10,454	.24	N						6,400		1,536
Total:													0	219,036

Printed on Tuesday, May 3, 2022, at 9:39:36 AM EST

CLASS OF USE	A1	A2	GR	DAPSFBC	WAVFBC	MUT	GB	LI	I	HCS
5.5 Personal service establishment	N	N	N	P	P	P1	P	N	N	N
5.6 Restaurant, cafe, tavern, other food service establishment, including outdoor seating on the premises. Drive-through service is prohibited in the DAPS(FBC) District.	N	N	N	P	P	P1	P	P	N	N
5.7 Artist studio	N	N	N	P	P	P	P	N	N	N
5.8 Artist studio and residence (live/work space)	N	N	N	SPB	SPB	SPB	SPB	N	N	N
5.9 Sale of custom goods manufactured on the premises	N	N	N	P	P	P1	P	P	N	N
5.10 Professional or business office	N	N	N	P	P	P1	P	P	N	N
5.11 Bank or other financial institution	N	N	N	P	P	P1	P	P	N	N
5.12 Theater, club, other place of indoor commercial amusement and assembly	N	N	N	P	P	P1	P	P	N	N
5.13 Commercial or public parking areas	N	N	N	P	P	P1	P	SPB	SPB	N
5.14 Auto sales and service establishment, public garage, gasoline station	N	N	N	N	N	SPB	P	N	N	N
5.15 Wholesaling and distribution	N	N	N	N	N	SPB	SPB	P	P	N

CLASS OF USE	A1	A2	GR	DAPSFBC	WAVFBC	MUT	GB	LI	I	HCS
5.16 Self-Storage Facilities	N	N	N	N	N	SPB	N	SPB	N	N
5.17 Kennel	N	N	N	N	N	SPB	P	N	N	N
5.18 Drive-in/drive-through service accessory to a principal use	N	N	N	SPB	SPB	SPB	SPB	N	N	N
5.19 Other accessory uses, if accessory to a permitted use	N	N	N	P	P	P	P	P	P	N
5.20 Other accessory uses, if accessory to a special permitted use	N	N	N	SPB	SPB	SPB	SPB	N	N	N
6.0 INDUSTRIAL USES										
6.1 Research, experimental and testing laboratories and related light manufacturing	N	N	N	N	SPB	SPB	SPB	P	P	N
6.2 Enclosed manufacturing, processing, assembly and fabrication	N	N	N	N	SPB	N	SPB	P	P	N
6.3 Warehousing and interior storage	N	N	N	N	N	N	SPB	P	P	N
6.4 Exterior storage, screened and without junk storage	N	N	N	N	N	N	N	P	P	N
6.5 Accessory uses, if accessory to a permitted use	N	N	N	N	N	N	N	P	P	N
6.6 Accessory uses, if accessory to a special permitted use	N	N	N	N	N	SPB	SPB	SPB	SPB	N

RECEIVED

MAY 19 2022

3:30pm
CV

TOWN OF AYER
TOWN CLERK

**Town of Ayer
Zoning Board of Appeals
Public Hearing Notice**



The Ayer ZBA will conduct a remote public hearing at 6:05 PM on Wednesday June 15, 2022 regarding an administrative appeal filed by Mimi's Place, LLC pursuant to Section 3.1.F of the Ayer Zoning Bylaw and G.L. c. 40A, §§8 and 15, relative to the Building Commissioner's cease and desist order (the "Order") issued for property located at 94-96 East Main Street and 12-14 Page Street Ayer, MA (the "Property"). The Order orders Mimi's Place, LLC to cease and desist operating a motel without a license from the Board of Health. For Zoom/Call-In information please contact atm@ayer.ma.us or 978-772-8220 x100.

Advertised May 27, 2022 and June 3, 2022, *The Nashoba Valley Voice*

LAW OFFICES
LORDEN, PASTOR & LILLY, P.C.

44 East Main Street
Ayer, Massachusetts 01432

ROY W. PASTOR
CHRISTOPHER T. LILLY

JOHN J. LORDEN (1969-2019)

Phone (978) 772-0011
Facsimile (978) 772-9902
E-Mail: attorney@lorden-pastor.com
www.lorden-pastor.com

May 12, 2022

zba@ayer.ma.us
Town of Ayer
Zoning Board of Appeals
Ayer Town Hall
One Main Street
Ayer, MA 01432

RE: Mimi's Place, LLC
Application for a Hearing

Dear Sir or Madam:

Enclosed please find an Application for a Hearing, 13 copies of certified plans, a certified list of abutters and a check in the amount of \$165.00 with regard to Mimi's Place, LLC. A copy of these materials is being forwarded to your office electronically. Kindly process same in your usual manner.

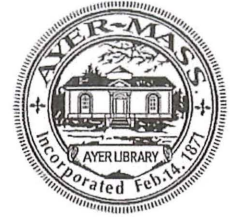
Thank you for your attention to this matter.

Yours very truly,



Christopher T. Lilly

CTL/ler
Enc.



Town of Ayer
ZONING BOARD OF APPEALS
APPLICATION FOR A HEARING

Name of Applicant: Mimi's Place, LLC
(Full Name)

60 Willard Street, Ayer, MA 01432
(Address)

(978) 501-6916
(Phone Number)

wentzellstephen44@gmail.com
(Email Address)

Applicant is: Owner Tenant Licensee Prospective Buyer*

*If you are a tenant, licensee or prospective buyer please include a letter from the property owner acknowledging the application with the Zoning Board of Appeals.

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):

Mimi's Place, LLC

Location of Property:

Two locations: 94-96 East Main Street and 12-14 Page Street

Assessor's Map _____ Parcel * _____ Land Size .3080 acres and .8500 acres, respectively
*019034000000710 and 0190270000001360, respectively

Zoning District: A-1 A-2 GR GB DB LI I MUT HCS
Circle One

Registry of Deeds Book 75541 Page 122

Aquifer Protection 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

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

X _____ ADMINISTRATIVE APPEAL (i.e. Building Inspector Decision)

Did you request a building permit from the Town of Ayer Building Inspector? Yes

If yes, were you denied a permit by the Town of Ayer Building Inspector? Yes

If you were denied a permit, please attach a copy of the decision from Building Commissioner's Office.

State briefly the reasons for application and include the appropriate citation(s) from the Ayer Zoning Bylaw:

See attached.

Date: 5/12/2022

Signed by 
(Petitioner)

(978) 501-6916
(Daytime Phone Number)

wentzellstephen44@gmail.com
(Email)

Town of Ayer
Zoning Board of Appeals
Application for a Hearing

RE: Mimi's Place, LLC

State briefly the reasons for application and include the appropriate citation(s) from the Ayer Zoning Bylaw:

For reference purposes, the "location" of property set forth hereinabove consists of two lots divided by Page Street:

- 1) 12-14 Page Street consists of ten units containing longer term tenants, laid out in a horseshoe pattern surrounding a common parking lot. Each of these units are equipped with kitchen and bathroom and serve as separate, individual units.
- 2) 94-96 East Main Street consists essentially of three structures: (a) a three-unit multi-family apartment building (each unit containing kitchen and bathroom facilities), (b) a row of six units facing onto Page Street (each containing bathroom facilities, but no kitchen facilities) and (c) a structure containing a residential unit (containing kitchen and bathroom facilities), as well as a separate office. Pathways through and between these structures are protected by overhanging cover, connecting same.

The six units located at 94-96 East Main Street are all empty and are the subject of an application submitted to the Board of Health for a motel license. A copy of the Application filed on or about March 16, 2022 is attached hereto for reference as Exhibit A. The Caza Manor Motel, centered at that address, has been in operation since the 1950's and is a preexisting non-conforming use. After the applicant's purchase of the property in September, 2020, the Town of Ayer Board of Health, and now its Building Inspector, has sought to limit hotel stays to 60 or 90 days. Section 2 of the Ayer Zoning Bylaws has been cited to support this limitation. The applicant has protested and continues to protest the applicability of this zoning bylaw to this preexisting, non-conforming use. Such uses and structures are protected against zoning limitation under Mass. G.L. c. 40A s. 6. Yet, notwithstanding this dispute, the applicant is endeavoring to limit the motel use to these six units and to continue the use of the remaining structures (with the exception of the office) as residential units.

Historically, the structures and uses on both lots date back to the 1950's, when they were purchased by the Graton family. The Gratons ran the Caza Manor Motel from that time until it was sold to the applicant in September, 2020. As and when required, Graton's applied for and regularly received motel licenses throughout the years, and the Caza Manor Motel operated without challenge from the Town of Ayer.

In 1978 the Gratons sold a portion of their property, i.e. 12-14 Page Street, while retaining and maintaining the property at 94-96 East Main Street (including the motel). Ownership of 12-14 Page Street changed hands a number of times, but it was continuously utilized as residential units during that time. In 1998 the Gratons repurchased 12-14 Page Street and continued the residential use of the units. As is the case today, residents would receive mail at the location, would register to vote there and would otherwise treat the unit as their abode. Families living on the Graton property would send their children through the Ayer school system and children would age into adults while living there. After

purchasing the properties in September 2020, the applicant continued to run the motel and the other units as they had been run for decades by the Gratoms.

The applicant seeks a determination that the units at the two properties (with the exception of the currently empty motel rooms and the office) are and have been residential. Indeed, they sit in a residential zone, and the people living there are residential tenants. A Unit Classification and Occupancy Analysis performed by Mangel Architects, and set forth in a letter, dated October 1, 2021, from Architect Jonathan Cocker supports the designation of these units as residential. This letter is attached hereto for reference as Exhibit B. No change of use determination need be made, and the applicant requests that this Board make a determination that the current use of all units is a permissible.

The applicant is working with Mangel Architects and Fieldstone Land Consultants to ensure the propriety of continuing a residential use in these units, and renewing its application for the other, currently unoccupied units as a motel. The intent is to maintain the six core units as the motel, the office as the office, and the remaining units as residential.



ZONING/BUILDING DEPARTMENT

Town of Ayer

TOWN HALL 1 MAIN ST. AYER, MASSACHUSETTS. 01432

978-772-8214

CHARLES R. SHULTZ, JR.
BUILDING COMMISSIONER/ZONING ENFORCEMENT

April 14, 2022

94-96 East Main Street, 12-14 Page Street
Parcel #'s 34-71 & 27-136

Re: Violation of the Ayer Zoning Bylaw and Order to Cease and Desist

Dear Mr. Wentzell,

This letter shall serve as formal notice that you are operating your property at 94-96 East Main Street and 12-14 Page Street (the "Property") in violation of the Town of Ayer Zoning Bylaw (the "Bylaw"). You are currently operating a Motel type use on the Property without a license from the Board of Health required to lawfully operate a Motel. Accordingly, you are not operating a lawful preexisting nonconforming use nor are you otherwise operating a use authorized under Section 5.2 of the Bylaw. You are hereby ordered to Cease and Desist operation of a Motel on the premises until you obtain a Motel license from the Board of Health. You are also ordered to ensure that guests residing at the Property do not exceed a two month stay as required to meet the definition of a Motel use set forth in Section 2 of the Bylaw.

If you have any questions, please feel free to contact me at 978-772-8214 Ext 4 or stop by the office, my office hours are 8 a.m. to 11 a.m. daily.

Charles R. Shultz Jr.
Building Commissioner/Zoning Enforcement

Copy: Town Manager's Office
File

OWNERS Copy



TOWN OF AYER

BUILDING PERMIT APPLICATION

1 Main Street, Ayer, MA 01432 978-772-8214

PERMIT NO. _____

DATE _____

Incomplete application packages cannot be processed. Form must be filled out completely and legible. Allow up to 30 days to process a complete application.

The Building Inspector's office hours are Monday, Wednesday and Thursday 8 AM to 11 AM, Tuesday 8 AM to 11 AM and 3 PM to 6 PM and Friday 8 AM to 10 AM. The Office Administrator is located on the third floor and office hours are Monday, Wednesday, and Thursday 8 AM to 4 PM, Tuesday 8 AM to 7 PM and Friday 8 AM to 1 PM.

ESTIMATED VALUE OF CONSTRUCTION — 0 —

OWNER STEPHEN WENTZELL

CONTRACTOR N/A

ADDRESS 60 WILLARD STREET

ADDRESS _____

TOWN/STATE AYER, MA

TOWN/STATE _____

PHONE () (78) 501-6916

PHONE () _____

HOME OWNER TO PERFORM WORK?

CONST. SUPER. LIC. NO. _____

YES NO

HOME IMPROV. REG NO. _____

NOTE - Contractors, all applications must have Construction Supervisor License, Home Improvement License, Legal ID, Workers Comp. Certificate and signed copy of contract.

JOBSITE HOUSE NUMBER ^{*} 94-96 STREET EAST MAIN STREET

SCOPE OF WORK:

NEW HOUSE ROOF WOODSTOVE

RENOVATIONS/ADDITION/REPAIRS MISC.

EXPLAIN WORK TO BE PERFORMED: * 12-14 PAGE STREET. INCLUDES THE PROPERTY KNOWN AS THE CAZA MANOR MOTEL. I AM PURCHASING THE CAZA MANOR MOTEL WITH A TARGET DATE OF 9/1/2020. I AM SEEKING AN OCCUPANCY PERMIT. I WILL BE USING THE PROPERTY IN ITS CURRENT USE. THERE WILL BE NO CHANGES TO THE EXISTING USE.

St Wentzell 8/17/2020



Nashoba Associated Boards of Health
Environmental Health Service
30 Central Avenue, Ayer, Ma. 01432

APPLICATION FOR LICENSE: TO OPERATE AND MAINTAIN: RECREATIONAL CAMPS, FAMILY-TYPE CAMPGROUNDS, OVERNIGHT CABINS, MOTEL/HOTEL OR MANUFACTURED HOUSING COMMUNITY.

APPLICATION IS HEREBY MADE FOR A LICENSE TO OPERATE A RECREATIONAL CAMP, A CAMPGROUND, OVERNIGHT CABINS, A MOTEL, OR A MANUFACTURED HOUSING COMMUNITY AS COVERED BY CHAPTER 140 OF THE GENERAL LAWS, AS AMENDED BY THE ACTS OF 1956 AND/OR LATER AMENDMENTS.

NAME OF ORGANIZATION, PERSON TO WHOM THE LICENSE SHOULD BE ISSUED: STEPHEN WENTZELL

NAME, ADDRESS & TELEPHONE NUMBER OF FACILITY: mini's Place LLC 96 EAST MAIN ST.
AYER, MA 01432 (978) 772-2837

MAILING ADDRESS, TELEPHONE NUMBER OFF SEASON _____

NAME OF DIRECTOR OR MANAGER: STEPHEN WENTZELL

CHECK TYPE OF FACILITY	MAXIMUM CAPACITY
<input type="checkbox"/> RECREATIONAL CAMP	NUMBER OF GUESTS _____
<input type="checkbox"/> FAMILY-STYLE CAMP	NUMBER OF CAMPSITES/GUESTS _____
<input type="checkbox"/> OVERNIGHT CABIN	NUMBER OF CABINS/GUESTS _____
<input checked="" type="checkbox"/> MOTELS/HOTELS	<u>6</u> / <u>12</u> NUMBER OF ROOMS/GUESTS _____
<input type="checkbox"/> MANUFACTURING HOUSING COMMUNITY	NUMBER OF SITES _____

IF NOT OPERATING YEAR ROUND, DATE OPEN FOR BUSINESS _____ DATE CLOSING _____
IF NEW BUSINESS, DATE OF INTENDED OPERATION _____

PROPOSED SOURCE OF WATER SUPPLY Town Water
(IS WATER SUPPLY APPROVED BY DEP?) YES NO

PROPOSED SOURCE OF MILK SUPPLY N/A

METHOD OF SEWAGE DISPOSAL Town Sewer

METHOD OF GARBAGE & RUBBISH DISPOSAL WIND WASTE INNOVATIONS, 90 ARBORETUM DRIVE, SUITE 300, PEPPERELL, NH 03801-7833
1866 WIND-WASTE

I ~~HAVE~~ HAVE NOT RECEIVED A COPY OF THE REGULATIONS GOVERNING THE OPERATION OF RECREATIONAL CAMPS, OVERNIGHT CAMPS OR CABINS, MOTELS AND MANUFACTURING HOUSING COMMUNITY. THIS IS TO CERTIFY THAT THIS (CHECK ONE) RECREATIONAL CAMP _____, CAMPGROUND _____, OVERNIGHT CABIN _____, MOTEL , OR MANUFACTURED HOUSING COMMUNITY _____ IS IN COMPLIANCE WITH THE REGULATIONS AS SET FORTH BY YOUR BOARD.

MAKE CHECKS PAYABLE TO THE TOWN OF AYER IN WHICH YOUR ESTABLISHMENT IS LOCATED. (FEE IS: \$10.00, TOWN OF LUNENBURG FEE IS \$25.00 & TOWN OF PEPPERELL FEE IS \$50.00).

Rev. 12/7/20

SIGNED: Stephen Wentzell

(978) 772-3335 (800) 427-9762 FAX (978) 772-4947



October 1, 2021 – revised May 4, 2022

Steve Wentzel
Caza Manor Motel
96 East Main St
Ayer, MA 01432

RE: Caza Manor Motel

We have visited the Caza Manor Motel to become generally familiar with the property to assist you with finding a resolution with the Board of Health denying your hotel/motel license renewal. Our site visit found that the Caza Manor Motel operates 20 units and has a general lobby/office, and miscellaneous support spaces. We have developed a basic site plan labeling each unit location and a floor plan for each unit.

We understand that the unit occupants have issues with the transient nature of their stay. Thus, licensing issues have arisen with the Board of Health. The Board Health has defined Hotel/Motel according to the zoning bylaw with states as follows *"A building or part thereof, or a group of buildings on a single lot, providing transient overnight lodging accommodations and accessory services to the general public. For a hotel or motel with units equipped with independent cooking facilities, such units shall not be occupied by any guest for more than two (2) continuous months, nor may guest reoccupy any unit within thirty (30) days of a continuous two-month stay or stay more than a combined total of four (4) months in any calendar year. No occupant of such hotel or motel may claim residency at such locations."*

With the extended stay of the occupants at your facility we would suggest the following resolution path with the Town of Ayer and the Board of Health. Some units should remain a motel room (R-1 Use Group) with a maximum stay. The other units should be considered multifamily apartments (R-2 Use Group). The Zoning Bylaw supports this path with the following points.

1. The Caza Manor Motel occupies parcel 34-71 and parcel 27-136. Parcel 34-71 is in the General Residence district; Parcel 27-136 is in the General Residence and the Light Industrial districts (all structures are located within the General Residence district based on the towns GIS map).
2. The Table of Use Regulation (Item 1.4) permits townhouses or multi-family dwellings in the GR district. This would allow the multifamily apartment buildings (R-2 Use Group).
3. The Table of Use Regulation (item 5.1) requires a special permit by the Planning Board for a Motel to be in the GR district.

We don't have any records of how the Caza Manor Motel was originally permitted and constructed or how its permitting and use with the Town may have been modified over time. Rather our analysis looked at how the current use of the property would be classified under the current zoning bylaw.

We suggest the following unit classifications based on the zoning bylaw.

1. **Motel building with Units 6-11** should remain "Motel Units" with a maximum stay per the Town of Ayer's Zoning Bylaw. These units do not have a kitchen and should not be used for a long term stay in their current configuration.
2. **The House** should be classified a 2-bedroom apartment (R-2 Use Group) with motel office attached.
3. **The two-story house with Units 1, 3, and 5** should be classified as 1- and 2-bedroom apartments (R-2 Use Group).
4. **Units 1A – 10A** should be classified at studio and 1-bedroom apartments (R-2 Use Group).

The chart below outline each units features and the maximum occupancy allow per 105 CMR 410.00.

Unit Classification & Occupancy Analysis							
Unit Number	Occupancy Type	Number of Bedrooms	Number of Bathrooms	Kitchen	Existing Square Footage	Maximum Occupants Per Sanitary	Actual Occupants
1A	R-2 (Apartment)	1	1	Yes	388	3	2
2A	R-2 (Apartment)	1	1	Yes	402	3	2
3A	R-2 (Apartment)	1	1	Yes	403	3	2
4A	R-2 (Apartment)	Studio	1	Yes	234	1	1
5A	R-2 (Apartment)	Studio	1	Yes	238	1	1
6A	R-2 (Apartment)	Studio	1	Yes	187	1	1
7A	R-2 (Apartment)	Studio	1	Yes	198	1	1
8A	R-2 (Apartment)	1	1	Yes	398	3	2
9A	R-2 (Apartment)	1	1	Yes	393	3	4
10A	R-2 (Apartment)	1	1	Yes	392	3	2
6	R-1 (Motel)	Motel	1	No	276	2	0
7	R-1 (Motel)	Motel	1	No	278	2	0
8	R-1 (Motel)	Motel	1	No	283	2	0
9	R-1 (Motel)	Motel	1	No	282	2	0
10	R-1 (Motel)	Motel	1	No	282	2	0
11	R-1 (Motel)	Motel	1	No	282	2	0
Unit 1	R-2 (Apartment)	2	1	Yes	890	8	2
Unit 3	R-2 (Apartment)	1	1	Yes	488	4	2
Unit 5	R-2 (Apartment)	1	1	Yes	402	3	1
House	R-2 (Apartment)	2	1	Yes	1,062	10	6

Summary

We suggest cleaning up the classification of each unit with Town of Ayer and Board of Health. This would make (6) motel units and (14) apartment units as outlined in the Unit Classification Chart. The Occupancy chart shows that the occupants of Unit 1A and 9A would need to move to larger units to comply with the Sanitary.

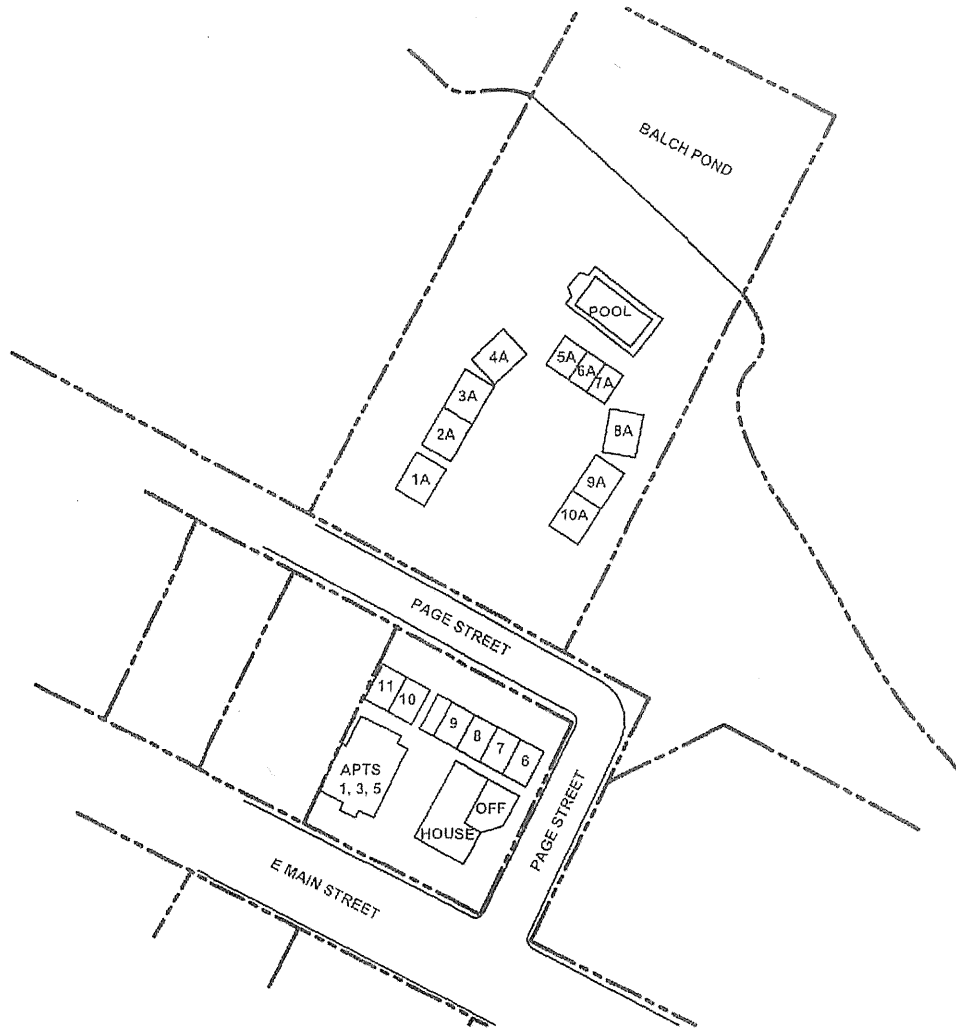
Contact Info for Questions:

Jonathan Cocker


Principal

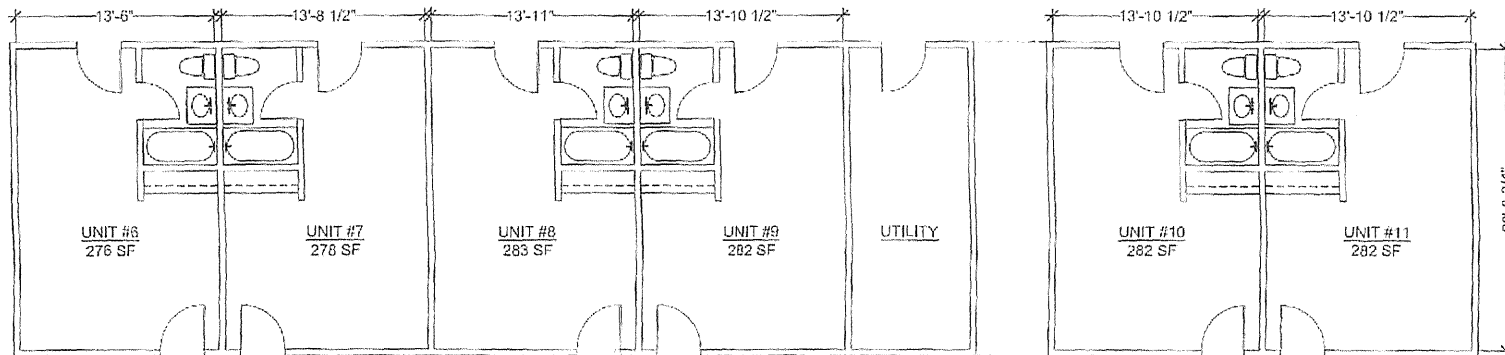
978-456-2895

jcocker@maugel.com




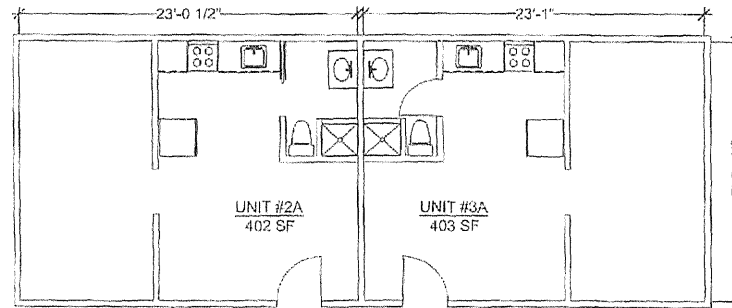
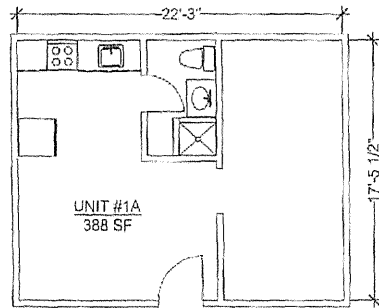
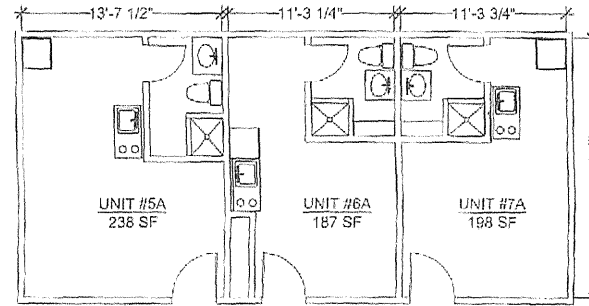
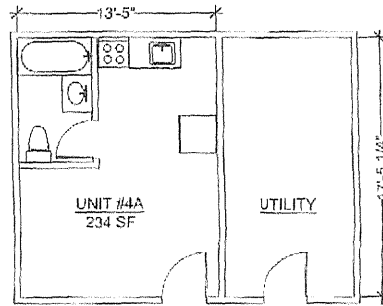
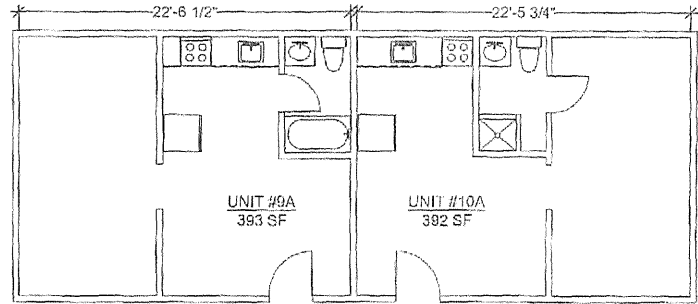
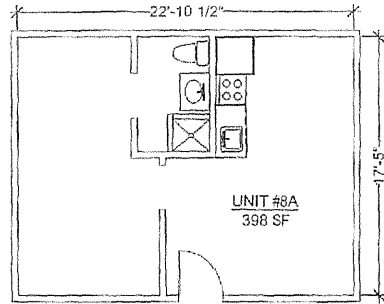
MAUGEL ARCHITECTS
 200 AYER ROAD | SUITE 200
 HAYWARD, MA 01937
 978.456.2800
 MAUGEL.COM

 MAUGEL ARCHITECTS 200 AYER ROAD SUITE 200 HAYWARD, MA 01937 978.456.2800 MAUGEL.COM	THESE DOCUMENTS AND ALL IDEAS, ARRANGEMENTS, DESIGNS AND PLANS INCORPORATED THEREIN OR REPRESENTED THEREBY ARE OWNED BY AND REMAIN THE PROPERTY OF MAUGEL ARCHITECTS, INC. NO PART OF THESE SHALL BE REPRODUCED BY ANY PERSON, FIRM OR COMPANY, WITHOUT THE WRITTEN PERMISSION OF MAUGEL ARCHITECTS, INC.			Caza Manor 95 E Main Street Ayer, MA
	Regard:	SITE PLAN		
	Reference Drawing:	N/A	Job Number: 21051	Sk Number:
	Date:	10/1/21	Scale: 1/64" = 1'-0"	SITE




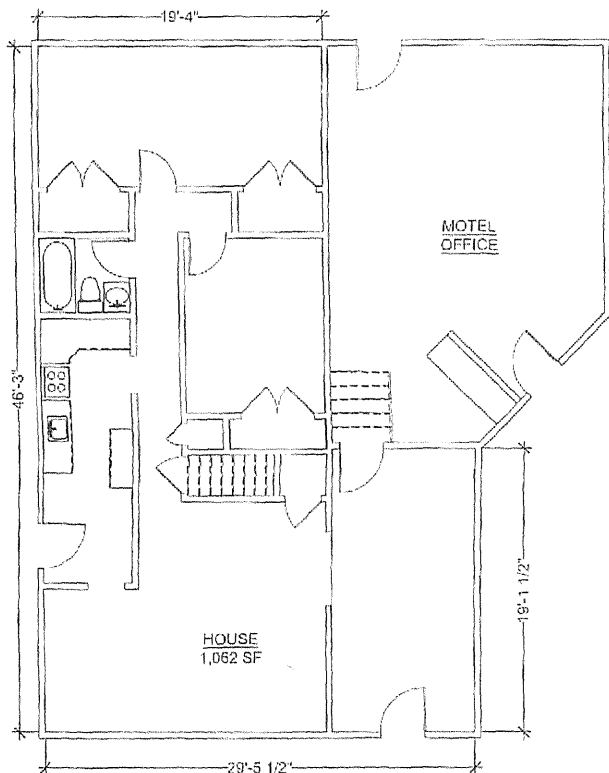
MAUGEL ARCHITECTS
 200 AYER ROAD | SUITE 200
 HARVARD, MA 01451
 978-456-1800
 MAUGEL.COM

 MAUGEL ARCHITECTS 200 AYER ROAD SUITE 200 HARVARD, MA 01451 978-456-1800 MAUGEL.COM	<small> THESE DOCUMENTS AND ALL NOTES, AMENDMENTS, CORRECTIONS AND PLANS INDICATED THEREIN OR REPRESENTED THEREBY ARE OWNED BY AND REMAIN THE PROPERTY OF MAUGEL ARCHITECTS, INC. AND NO PART THEREOF SHALL BE REPRODUCED BY ANY PERSON, FIRM OR CORPORATION FOR ANY PURPOSE WITHOUT EXPRESS WRITTEN PERMISSION FROM MAUGEL ARCHITECTS, INC. </small>	Caza Manor 96 E Main Street Ayer, MA	
		Regarding: MOTEL FLOOR PLAN - UNITS 1-6	Job Number: 21051
Reference Drawing: N/A	Date: 10/1/21	Scale: 1/8" = 1'-0"	



MAUGEL ARCHITECTS
 300 AVEN ROAD | SUITE 100
 HARVARD, MA 01451
 978 458 2800
 MAUGEL.COM

 MAUGEL ARCHITECTS 300 AVEN ROAD SUITE 100 HARVARD, MA 01451 978 458 2800 MAUGEL.COM	Caza Manor 96 E Main Street Ayer, MA			
	FLOOR PLAN - UNITS 1A-10A			
THESE DOCUMENTS AND ALL IDEAS, ARRANGEMENTS, DESIGN AND PLANS INDICATED THEREON OR REPRESENTED THEREBY ARE OWNED BY AND REMAIN THE PROPERTY OF MAUGEL ARCHITECTS, P.C. AND NO PART THEREOF SHALL BE STRIPPED BY ANY PERSON, FIRM OR CORPORATION FOR ANY PURPOSES WITHOUT THE WRITTEN PERMISSION OF MAUGEL ARCHITECTS, P.C.	Regarding:	Job Number:	SK Number:	A-2
	Reference Drawing: N/A	08037	08037	
	Date: 10/1/21	Scale: 1/8" = 1'-0"		

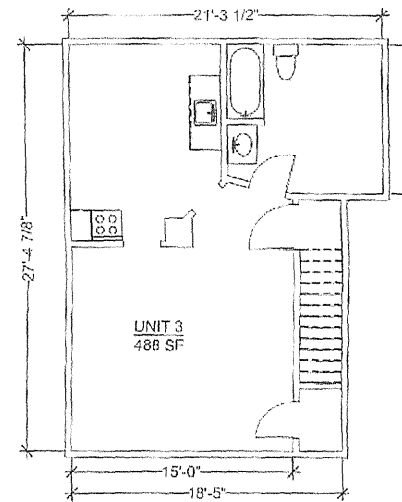
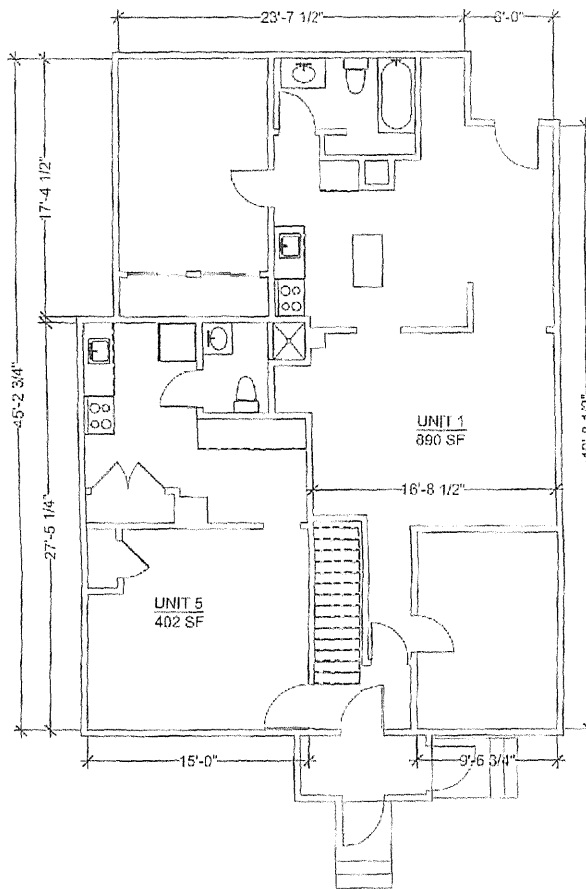


MAUGEL ARCHITECTS
200 AYER ROAD | SUITE 200
HARVARD, MA 01451
617-456-2000
MAUGEL.COM


MAUGEL ARCHITECTS
200 AYER ROAD | SUITE 200
HARVARD, MA 01451
617-456-2000
MAUGEL.COM

THIS DOCUMENT AND ALL
DETAILED DRAWINGS, SPECIFICATIONS
AND PLANS INDICATED THEREON
OR HEREAFTER, WHETHER MADE
KNOWN BY AND/OR IN PART
PROPERTY OF MAUGEL
ARCHITECTS, INC. AND NO PART
HEREOF SHALL BE UTILIZED BY
ANY PERSON, FIRM OR
CORPORATION FOR ANY PURPOSE
WHATSOEVER EXCEPT WITH
SPECIFIC WRITTEN PERMISSION
© 2015 MAUGEL ARCHITECTS, INC.

Caza Manor 96 E Main Street Ayer, MA		
Regarding:	HOUSE AND OFFICE FLOOR PLAN	
Reference Drawing:	N/A	Job Number: 21051
Date:	10/1/21	Scale: 1/8" = 1'-0"
		SK Number: A-3



10/1/21
 21051
 1/8" = 1'-0"
 A-4

 MAUGEL ARCHITECTS 200 AYER ROAD SUITE 200 HARVARD, MA 01451 978.456.2800 MAUGEL.COM	Caza Manor 96 E Main Street Ayer, MA		
	Regarding: APARTMENT BLDG - UNITS 1, 3, 5		
THESE DRAWINGS TO APPROVE IDEAS, APPEARANCES, DESIGN AND PLANS INDICATED HEREIN ARE THE PROPERTY OF MAUGEL ARCHITECTS, INC. NO PART THEREOF SHALL BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEMS, WITHOUT THE WRITTEN PERMISSION OF MAUGEL ARCHITECTS, INC.	Reference Drawing: N/A	Job Number: 21051	SK Number:
Date: 10/1/21	Scale: 1/8" = 1'-0"	A-4	

STRUCTURE DATA:

SMH 1 RIM=238.77' INV. IN (NE)=224.77' INV. IN (W)=224.42' INV. OUT (E)=224.23' SUMP=224.37' SHELF=224.74'	SMH 2 RIM=238.73' INV. IN (W)=225.54' INV. OUT (E)=225.47' SUMP=225.61' SHELF=226.07'	SMH 3 RIM=240.61' CB 1 RIM=241.59' CB 2 RIM=237.78' CB 3 RIM=238.23'	CB 4 RIM=241.03' CB 5 RIM=241.59' CB 6 RIM=245.17'
--	--	---	---

27-135
KEVIN MCPHERSON
10 PAGE STREET
AYER, MA 01432
BK 63262 PG 348 2/10/14

34-58
NATHAN KALLEN
91 EAST MAIN STREET
AYER, MA 01432
BK 64070 PG 192 8/6/14

34-59
DOUGLAS LAWSON
93 EAST MAIN STREET
AYER, MA 01432
BK 31867 PG 419 9/28/00

34-157A
CAROL DACIER & JESSICA BRADY
95A EAST MAIN STREET
AYER, MA 01432
BK 72817 PG 277 6/20/19

34-157B
EMILIO PASSARIELLO
95B EAST MAIN STREET
AYER, MA 01432
BK 68965 PG 555 2/28/17

34-70
DONALD & JOSEPHINE M. WALLACE
92 EAST MAIN STREET
AYER, MA 01432
BK 18427 PG 477 1/28/87

34-71
0.286 ACRES
12,466 SQ.FT.

34-72
MICHAEL JEANSON, JR.
25 CRANE ROAD
LITTLETON, MA 01460
BK 65799 PG 441 7/27/15

34-147
JORGE RAMOS VEGUILLA & MILCA MERCADO OLIVIERA
16 PAGE STREET
AYER, MA 01432
BK 69226 PG 375 5/1/17

- REFERENCE PLANS:**
- "CONDOMINIUM MASTER SITE PLAN - THE CONDOS AT EAST MAIN - 95B & 05A EAST MAIN ST. - AYER, MASS. - OWNED BY: - PROLUM DEVELOPMENT CORP." SCALE: 1"=30'; DATED MARCH 15, 2007, PREPARED BY GOLDSMITH, PREST & RINGWALL, INC. AND RECORDED IN THE M.C.R.D. AS PLAN NO. 291 OF 2007.
 - "LAND IN - AYER, MASS. - SURVEYED FOR - MARGARET MCGUANE KIDDER - & KEVIN M. KIDDER" SCALE: 1"=40'; DATED AUGUST 1985, PREPARED BY CHARLES A. PERKINS, CO., INC. AND RECORDED AT THE M.C.R.D. AS PLAN NO. 1238 OF 1985.
 - "BOUNDARY SURVEY - AYER, MASS. - OWNED BY: DONALD R. & JOSEPHINE M. WALLACE" SCALE: 1"=20'; DATED NOVEMBER 27, 1979, PREPARED BY AMHERST SURVEY ASSOCIATES, INC. AND RECORDED AT THE M.C.R.D. AS PLAN NO. 1433 OF 1979.

CERTIFICATION:

I HEREBY CERTIFY THAT THE EXISTING IMPROVEMENTS SHOWN ARE THE RESULT OF AN ON-SITE FIELD SURVEY PERFORMED BY FIELDSTONE LAND CONSULTANTS, PLLC DURING THE MONTHS OF FEBRUARY & MARCH 2022.

DATE: _____

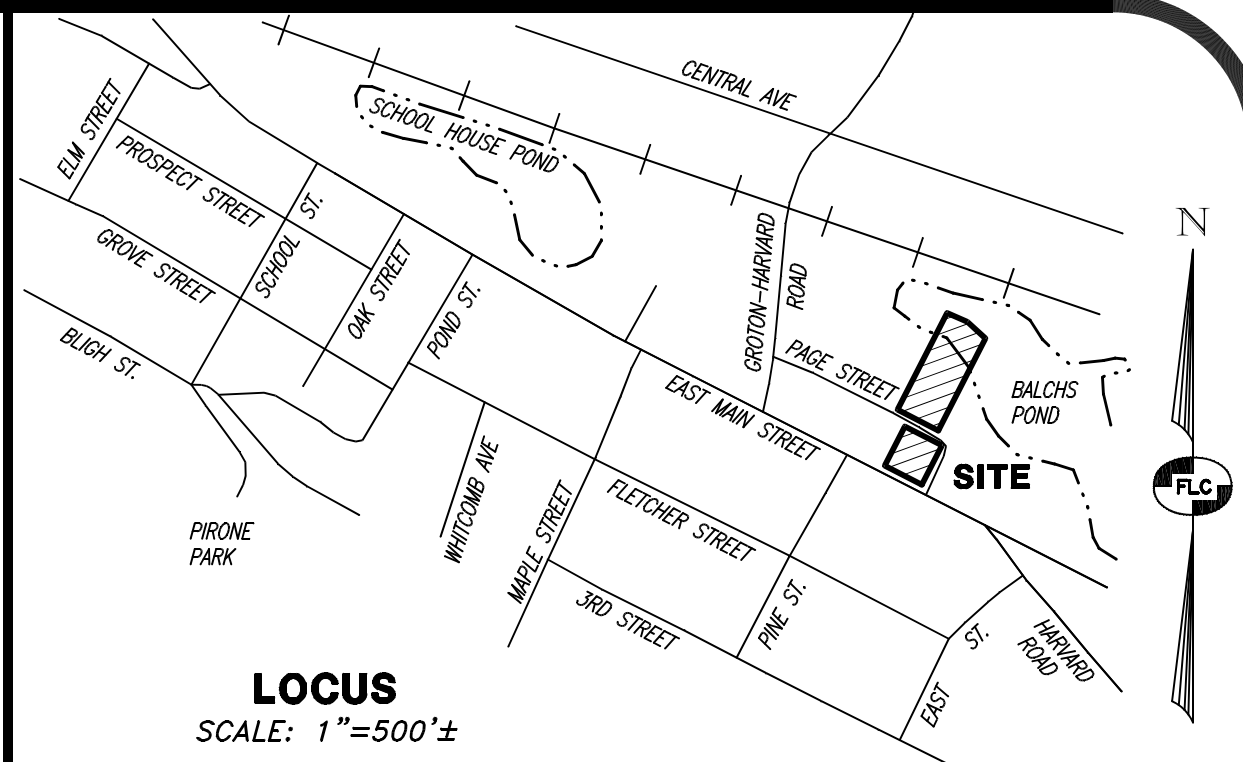
CONTACT DIG SAFE
72 HOURS PRIOR
TO CONSTRUCTION

DIGSAFE.COM
1-888-DIG SAFE
1-888-344-7233



NRCS SOILS LEGEND:
SOURCE: USDA NRCS WEB SOIL SURVEY

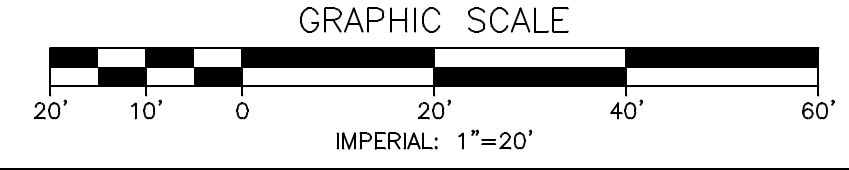
1	WATER
602	URBAN LAND
626B	MERRIMAC-URBAN LAND COMPLEX, 0 TO 8 PERCENT SLOPES



- NOTES:**
- THE OWNER OF RECORD FOR TAX MAP 27 LOT 136 AND TAX MAP 34 LOT 71 IS MIMI'S PLACE LLC, 60 WILLARD STREET, AYER, MA 01432. SEE MIDDLESEX SOUTH REGISTRY OF DEEDS BK. 75541 PG. 122 DATED 9/2/20.
 - THE PURPOSE OF THIS PLAN IS TO SHOW THE EXISTING CONDITIONS FOR TAX MAP 27 LOT 136 AND TAX MAP 34 LOT 71.
 - THE TOTAL AREA OF EXISTING LOT 27-136 IS 0.7± ACRES OR 32,000± SQ.FT. WITH 120.00 FT. OF FRONTAGE ALONG PAGE STREET. THE TOTAL AREA OF EXISTING LOT 34-71 IS 0.286 ACRES OR 12,466 SQ.FT. WITH 108.40 FT. OF FRONTAGE ALONG PAGE STREET, 115.00 FT. OF FRONTAGE ON LIVINGSTON STREET AND 108.40 FT. OF FRONTAGE ALONG EAST MAIN STREET.
 - ZONING FOR THE PARCEL IS BOTH THE GENERAL RESIDENCE DISTRICT AND LIGHT INDUSTRIAL DISTRICT:

	(GR) GENERAL RESIDENCE	LIGHT INDUSTRIAL
MIN. AREA	10,000 SQ. FT. PLUS 3,000 SQ. FT. FOR EACH ADDITIONAL D/U	120,000 SQ. FT.
MIN. FRONTAGE	MIN. FRONTAGE - 100 FT.	100 FT.
MAX. STORIES	MAX. STORIES - 2 1/2	3
MAX. HEIGHT	MAX. HEIGHT - 35 FT.	40 FT.
FRONT SETBACK	FRONT SETBACK - 20 FT.	25 FT.
SIDE SETBACK	SIDE SETBACK - 10 FT.	25 FT.
REAR SETBACK	REAR SETBACK - 25 FT.	30 FT.
MAX. COVERAGE	MAX. COVERAGE - 30%	50%

- THE BOUNDARY INFORMATION SHOWN WAS COMPILED FROM CURRENT DEEDS, PLANS OF RECORD, PHYSICAL EVIDENCE FOUND AND A PRECISE SURVEY BY THIS OFFICE.
- HORIZONTAL ORIENTATION AND VERTICAL DATUM ARE NAD83 & NAVD88 RESPECTIVELY PER A GPS CORS SOLUTION.
- THE SURFACE FEATURES AND SITE TOPOGRAPHY SHOWN ARE THE RESULT OF A FIELD SURVEY PERFORMED BY THIS OFFICE IN FEBRUARY & MARCH, 2022.
- THE LOCATION OF UTILITIES SHOWN HAVE BEEN COMPILED IN PART FROM PLANS OF RECORD AND FIELD LOCATION. THE LOCATION OF UNDERGROUND UTILITIES SHOULD BE CONSIDERED APPROXIMATE AND SHOULD BE FIELD VERIFIED PRIOR TO ANY EXCAVATION OR CONSTRUCTION ACTIVITIES.
- THE SITE IS CURRENTLY SERVICED BY MUNICIPAL WATER AND SEWER.
- A PORTION OF TAX MAP 27 LOT 136 LIES WITHIN FLOOD HAZARD AREA "AE" AS DETERMINED FROM THE FLOOD INSURANCE STUDY (FIRM) MIDDLESEX COUNTY, MASSACHUSETTS, TOWN OF AYER, COMMUNITY NUMBER 250180, MAP NUMBER 2501C0212E, EFFECTIVE DATE JUNE 4, 2010.
- TAX MAP LOTS 27-136 IS SUBJECT TO THE AQUIFER PROTECTION OVERLAY DISTRICT AND SUBJECT TO THE AYER WETLAND BYLAWS (ARTICLE XXVI) ALONG WITH THE MASSACHUSETTS WETLANDS PROTECTION ACT. THE 100' WETLAND BUFFER SHOWN HEREON IS LIMITED TO THE EDGE OF WATER LOCATED ON MARCH 3, 2022 WITH SITE SNOW COVER.



REV.	DATE	DESCRIPTION	C/O	DR	CK

EXISTING CONDITIONS PLAN
TAX MAP LOTS 34-71 & 27-136
(94 & 96 EAST MAIN ST. AND 12-14 PAGE ST.)
AYER, MASSACHUSETTS

PREPARED FOR:
STEPHEN C. WENTZELL
60 WILLARD STREET - AYER, MA 01432

LAND OF:
MIMI'S PLACE LLC
60 WILLARD STREET - AYER, MA 01432

SCALE: 1" = 20' MARCH 7, 2022

Surveying ♦ Engineering ♦ Land Planning ♦ Permitting ♦ Septic Designs



FIELDSTONE
LAND CONSULTANTS, PLLC

206 Elm Street, Milford, NH 03055
Phone: (603) 672-5456 Fax: (603) 413-5456
www.FieldstoneLandConsultants.com

12:40pm

RECEIVED
MAY 23 2022
TOWN OF AYER
TOWN CLERK

CV



**Town of Ayer
Zoning Board of Appeals
Public Hearing Notice**

The Ayer ZBA will conduct a remote public hearing at 6:15 PM on Wednesday June 15, 2022 regarding an application by R. D. Kanniard Homes, Inc., for property located at #33 & 33B Sandy Pond Road Ayer, MA. The applicant is seeking a Special Permit pursuant to Ayer Zoning Bylaw Section 5.2.1.2 (Table of Use Regs.) to permit two 2-family dwellings on the property designated as Lot 1 & Lot 2 in the A-2 Zoning District. One 2-family dwelling is proposed for each lot. For Zoom/Call-In information please contact atm@ayer.ma.us or 978-772-8220 x100.

Advertised May 27, 2022 and June 3, 2022, *The Nashoba Valley Voice*

RECEIVED
MAY 23 2022

TOWN OF AYER
TOWN CLERK

11:10am

cl

Town of Ayer
ZONING BOARD OF APPEALS
APPLICATION FOR A HEARING



Name of Applicant: R. D. Kanniard Homes, Inc.
(Full Name)

P.O. Box 1321 Littleton, Mass. 01460
(Address)

978-502-8557
(Phone Number)

rdkanniard@gmail.com
(Email Address)

Applicant is: Owner Tenant Licensee Prospective Buyer*

*If you are a tenant, licensee or prospective buyer please include a letter from the property owner acknowledging the application with the Zoning Board of Appeals.

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):

Location of Property:

#33 & 33B Sandy Pond Road

Assessor's Map 28 Parcel 92 & 151 Land Size 36,079 s.f. & 39,388 s.f.

Zoning District: A-1 A-2 GR GB DB LI I MUT HCS
Circle One

Registry of Deeds Book 48915 Page 507

Aquifer Protection 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
- A SPECIAL PERMIT to expand, alter, or change a non-conforming use or structure.
- ADMINISTRATIVE APPEAL (i.e. Building Inspector Decision)

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

If yes, were you denied a permit by the Town of Ayer Building Inspector? _____
If you were denied a permit, please attach a copy of the decision from Building Commissioner's Office.

State briefly the reasons for application and include the appropriate citation(s) from the Ayer Zoning Bylaw:

The applicant is seeking a Special Permit pursuant to Section 5.2.1.2.
(Table of Use Regulations) to permit two 2-family dwellings on the property
designated as Lot 1 & Lot 2 on the plans as provided for property
located within a Residence A-2 Zoning District. One 2-family dwelling is
proposed for each lot.

Date: May 20, 2022

Signed by Rgr D Kanniard
(Petitioner)

978-502-8557
(Daytime Phone Number)

rdkanniard@gmail.com
(Email)

SANDY POND DUPLEX



AREA BREAK DOWN

FIRST FLOOR LIVING AREA	885 sf
SECOND FLOOR LIVING AREA	1,316 sf
TOTAL LIVING AREA	2,201 sf
GARAGE AREA	480 sf
BASEMENT AREA	885 sf

Damon McQuaid
Architect

Architecture - Interiors - Land Planning
49 Brookview Terr. Lunenburg, MA 01462
mcquaid@gmail.com
978-340-5922

R.D. Kanniard Homes Inc.

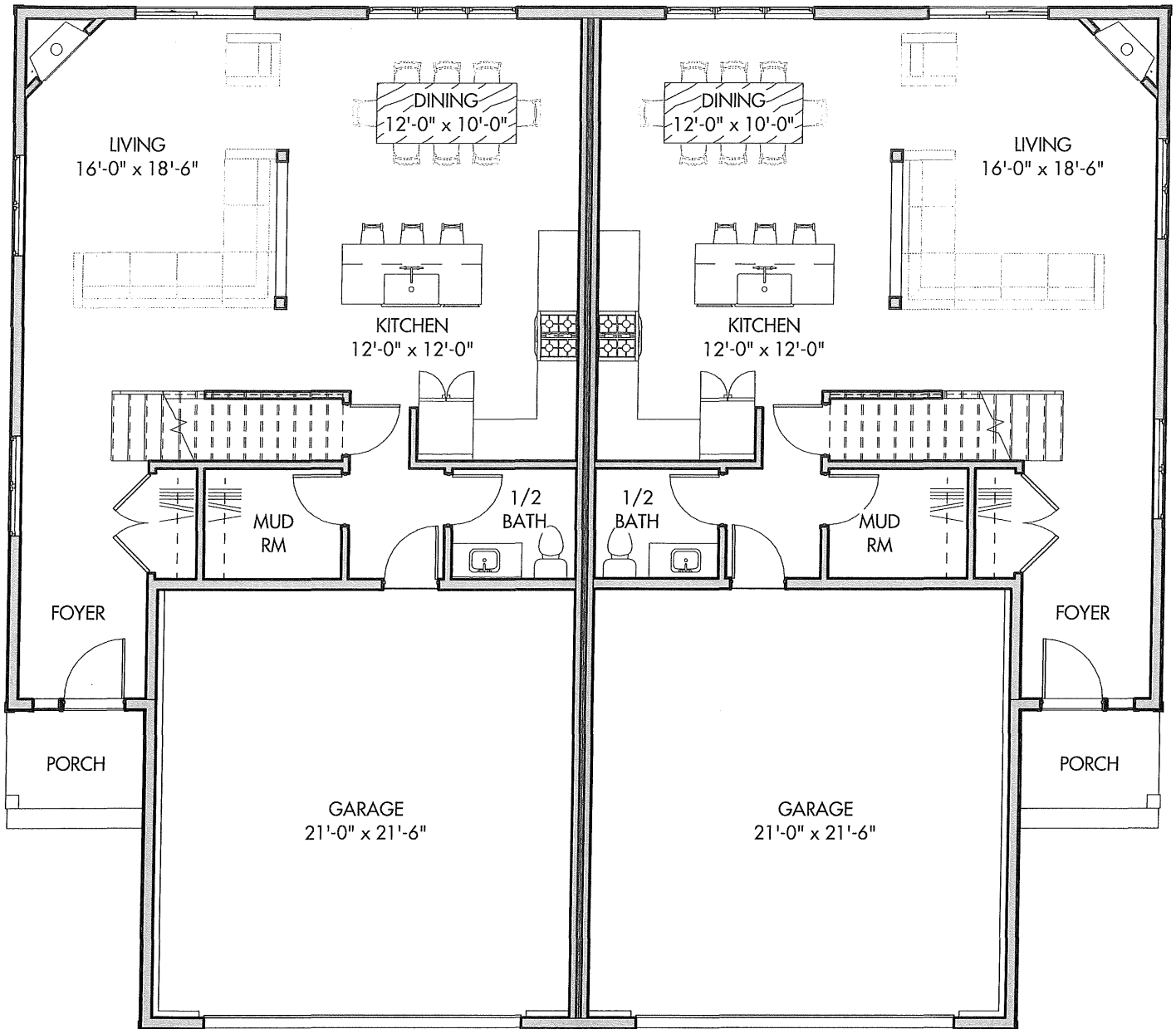
P.O. BOX 1321
LITTLETON, MA 01460
978-486-0711

Date: 04/14/21
Scale: 12" = 1'-0"
Plan No: 210309
Sheet:

1

PATIO

PATIO



LEVEL 1

Damon McQuaid
Architect

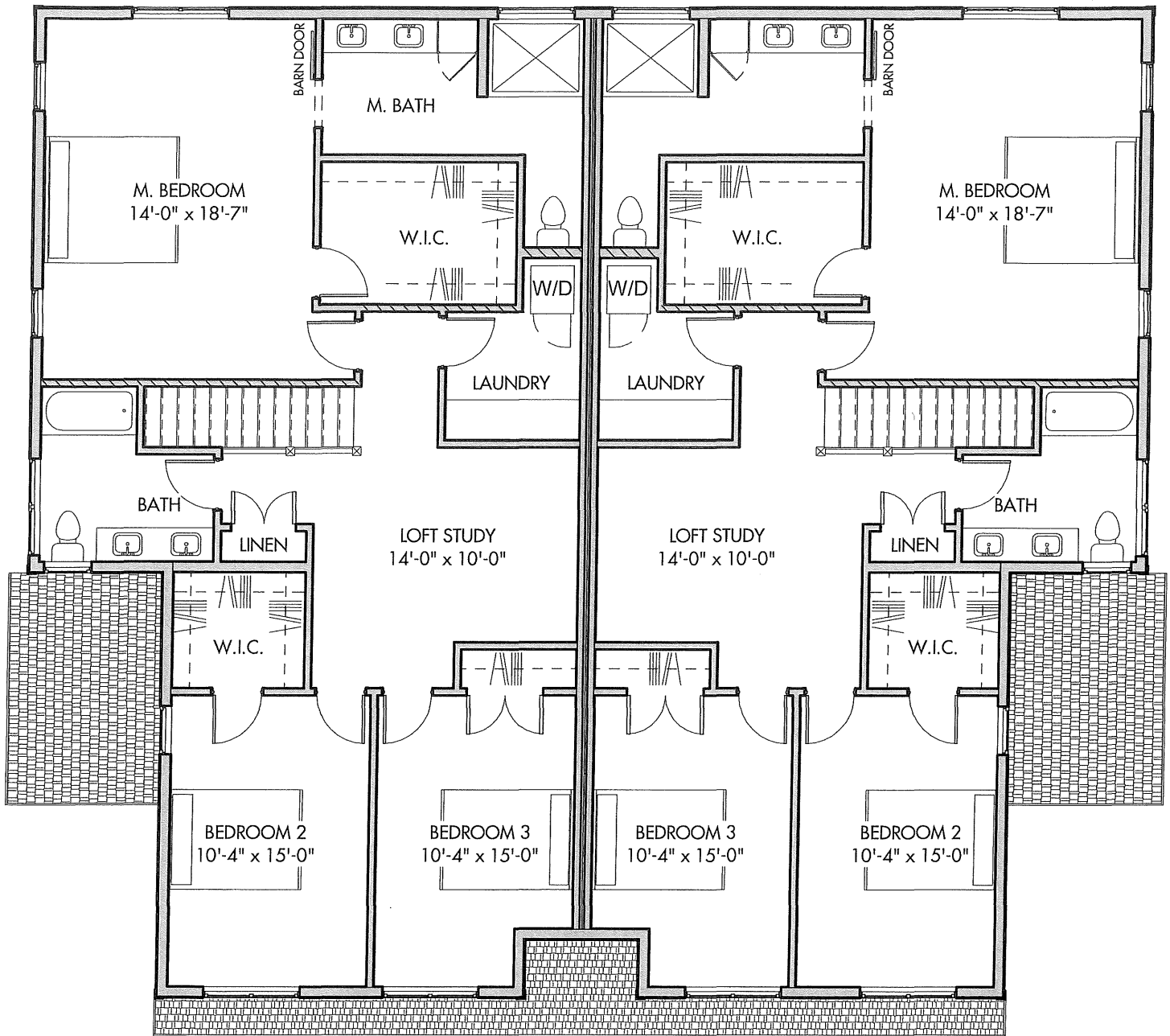
Architecture - Interiors - Land Planning
49 Brookview Terr. Lunenburg, MA 01462
mcquaid@gmail.com
978-340-5922

R.D. Kanniard Homes Inc.

P.O. BOX 1321
LITTLETON, MA 01460
978-486-0711

Date: 04/14/21
Scale: 1/8" = 1'-0"
Plan No: 210309
Sheet:

2



LEVEL 2

Damon McQuaid
Architect

Architecture - Interiors - Land Planning
49 Brookview Terr. Lunenburg, MA 01462
mcquaid@gmail.com
978-340-5922

R.D. Kanniard Homes Inc.

P.O. BOX 1321
LITTLETON, MA 01460
978-486-0711

Date: 04/14/21
Scale: 1/8" = 1'-0"
Plan No: 210309
Sheet:

3

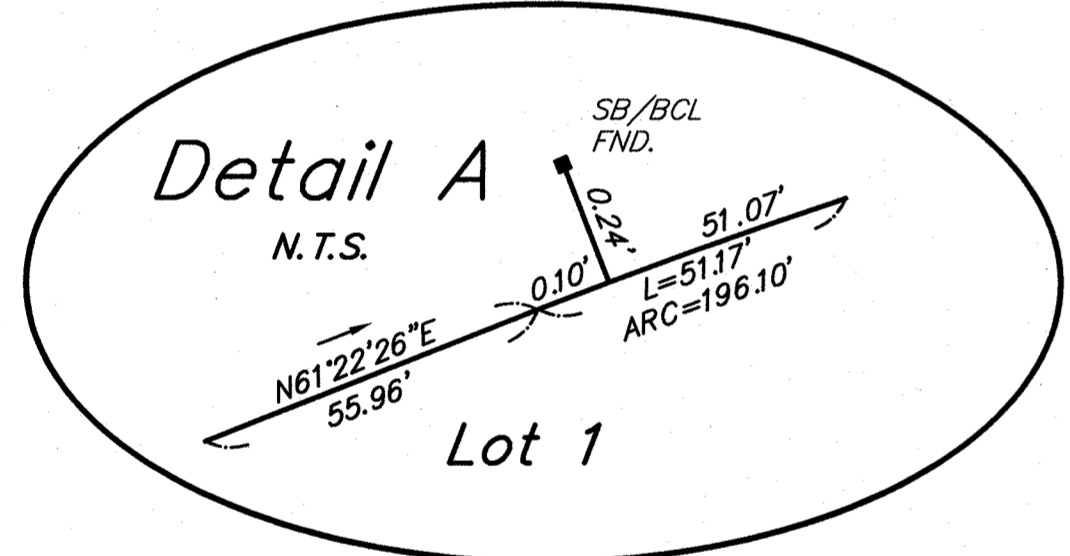
Central Avenue
(PUBLIC ~ 60' WIDE)

Sandy Pond Road
(PUBLIC ~ 1930 COUNTY LAYOUT 50' WIDE)

Sandy Pond Road
(PUBLIC ~ 1930 COUNTY LAYOUT 50' WIDE)

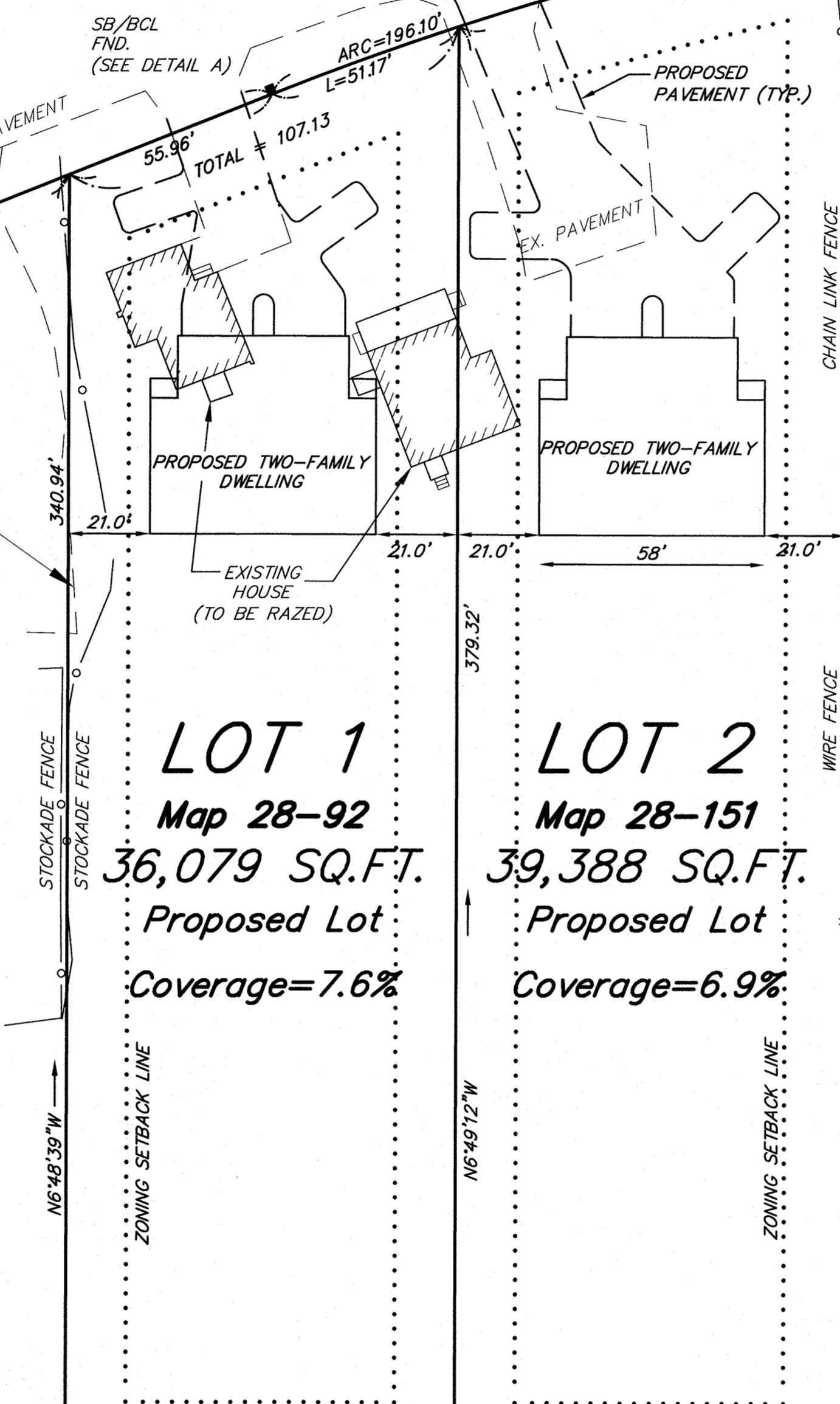
Patrick Feehan & Kara Whitcomb
BK 72161-467; PL NO 1859 OF 1986

Jeffrey E. & Andrea I. Greco
BK 77328-128; PL NO 1467 OF 1946

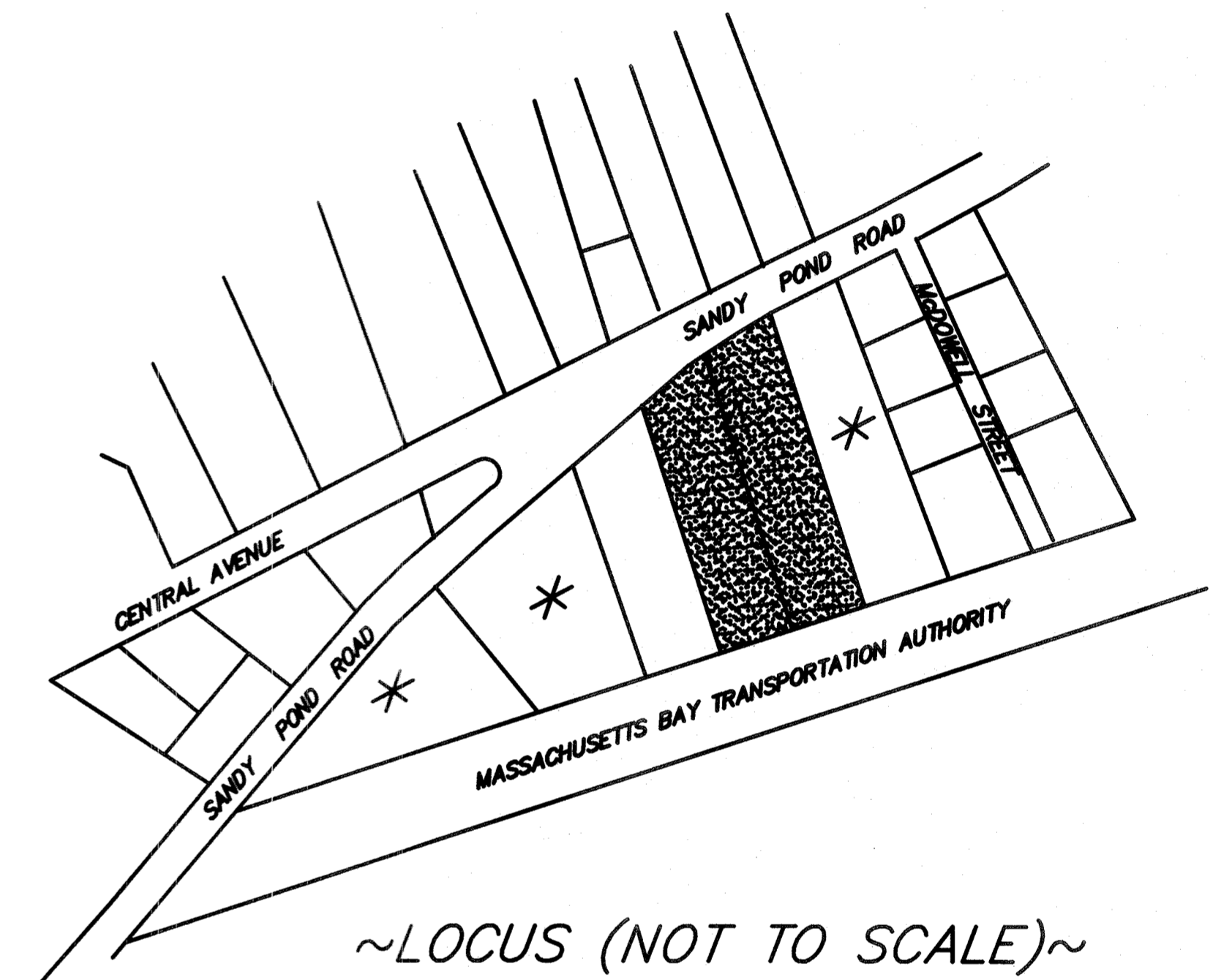


ZONING DISTRICT: RESIDENCE A-2
 MIN LOT AREA = 12,000 S.F. (TWO FAMILY: 24,000 S.F.)
 MIN FRONTAGE = 100'
 MIN SIDE YARD = 15'
 MIN FRONT YARD = 20'
 MIN REAR YARD = 25'

NOTE:
 LOTS 1, AND 2 ARE A RE-DIVISION OF LAND DESCRIBED IN DEED (BK. 48915-507) TO R.D. KANNIARD HOMES, INC. AND SHOWN ON A PLAN ENTITLED "PLAN OF LAND IN AYER, MASS., SURVEYED FOR FISKE WARREN ESTATE" DATED OCTOBER 1938 BY J.H. JENNINGS, CIVIL ENGINEER AND ARE SHOWN ON A PLAN ENTITLED "PLAN OF LAND IN AYER, MASS. PREPARED FOR R.D. KANNIARD HOMES, INC." DATED JUNE, 2020-PLAN NO.667 OF 2020.
 THE APPLICANT IS SEEKING A SPECIAL PERMIT FROM THE TOWN OF AYER ZONING BOARD OF APPEALS PURSUANT TO SECTION 5.2 1.2 (TABLE OF USE REGULATIONS) TO PERMIT A TWO-FAMILY DWELLING IN A RESIDENCE A-2 ZONING DISTRICT.
 THE PROPOSED TWO-FAMILY DWELLINGS ARE DEPICTED ON PLANS PREPARED BY DAMON McQUAID ARCHITECT DATED 05/10/2021.

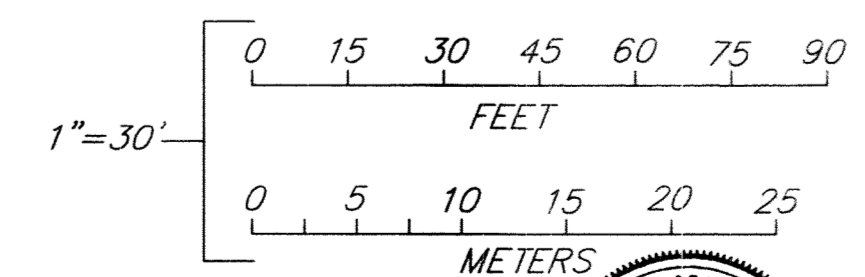


M. B. T. A.

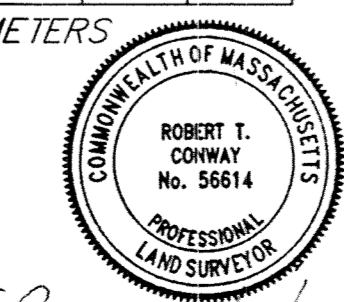


* = EXISTING MULTI-FAMILY USE

OWNER / APPLICANT
 R.D. Kanniard Homes, Inc.
 P.O. Box 1321
 Littleton, Ma. 01460
 (BK 48915-507)
 ASSESSOR MAP 28-92



- Legend**
- FND. CB/DH □ CONCRETE BOUND WITH DRILL HOLE
 - FND. SB/BCL ■ STONE BOUND BACK CENTERLINE
 - EDGE OF PAVEMENT
 - CHAIN LINK FENCE/STOCKADE FENCE
 - WIRE FENCE



Robert T. Conway
 SURVEYOR DATE 4/26/2022

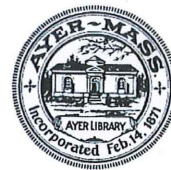
SITE PLAN OF LAND IN
Ayer, Mass.
 PREPARED FOR
R.D. Kanniard Homes, Inc.
 SCALE: 1"=30' APRIL, 2022
David E. Ross Associates, Inc.
 CIVIL ENGINEERS - LAND SURVEYORS
 ENVIRONMENTAL CONSULTANTS
 PO BOX 795-6 LANCASTER COUNTY RD, HARVARD, MA 01451
 (TEL. NO. 978-772-6232)
 JOB NO. 32774 SHEET 1 OF 1 PLAN NO.L-14064-A



**Town of Ayer
Zoning Board of Appeals
Department Head Review Summary**

Application for Special Permit – 33 & 33B Sandy Pond Road

Department	Comments
Town Manager	Defer to ZBA
Board of Health	No Issues as long as there is town water/ town sewer
Department of Public Works	No Issues from DPW
Police Department	No comments at this time
Fire Department	See Attached
Building Commissioner/Zoning Enforcement Officer	No Issues
Conservation Commission	No Issues for Conservation Commission
Treasurer/Tax Collector	Taxes paid
Town Clerk	No issues
Assessor's Office	Lot 1 is 28-92 Lot 2 is 28-151
Economic & Community Development	Recommend approval
Town Planner	I approve of this request



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

_____	Select Board/Town Manager	Review Deadline Date	<u>May 11, 2022</u>
_____	Board of Health		
_____	Department of Public Works	Public Hearing Date	<u>May 18, 2022 at 6:00 PM</u>
_____	Police Department		
<u>X</u>	Fire Department		
_____	Building Inspector/Zoning Enforcement Officer		
_____	Conservation Committee		
_____	Treasurer/Tax Collector		
_____	Town Clerk		
_____	Assessor's Office		
_____	Economic & Community Development		
_____	Town Planner		


_____ Variance X Special Permit _____ Finding/Appeal
 Applicant is seeking a special permit pursuant to Ayer Zoning Bylaw (2019, as amended) Section 5.2.1.2 (Table of Use Regulations) to allow for two-family dwelling unit on each lot in the A-2
 Description Residence Zoning District.

Submitted by R.D. Kanniard Homes, Inc. Date April 27, 2022

Address 33 & 33B Sandy Pond Road Telephone Kevin Conover, David E. Ross 978-772-6232

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

Comments: IN the interest of Public Safety I would suggest the following house numbers changes. Lot #1 to 33 A/B AND Lot # to 35 A/B. See attached map

Signed  Title Fire Chief
 Date 5/10/22

SEE DETAIL A) /

L=51.1'



PAVEMENT (TYP.)

EX. PAVEMENT

CHAIN LINK FENCE
405.94'

PROPOSED TWO-FAMILY DWELLING

PROPOSED TWO-FAMILY DWELLING

EXISTING HOUSE
(TO BE RAZED)

21.0'

21.0'

21.0'

58'

21.0'

379.32'

33 A/B

35 A/B

LOT 1

LOT 2

Map 28-92

Map 28-151

36,079 SQ.FT.

39,388 SQ.FT.

Proposed Lot

Proposed Lot

Coverage=7.6%

Coverage=6.9%

STOCKADE FENCE

WIRE FENCE

ZONING SETBACK LINE

ZONING SETBACK LINE

N6°49'12"W

S6°49'12"E

N6°48'39"W

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

Recorded by APAC

**Wednesday May 18, 2022
Open Session Meeting Minutes**

Present: Samuel A. Goodwin Jr., Chair; Michael Gibbons, Vice-Chair; Ron Defilippo, Clerk; Jess Gugino; John Ellis (Entered at 6:08 PM)

Call to Order: S. Goodwin called the meeting to order at 6:01 PM. He stated that due to the ongoing COVID-19 Pandemic, in accordance with Chapter 22 of the Acts of 2022, suspending certain provisions of the Open Meeting Law (OML), public bodies otherwise governed by the OML are temporarily relieved from the requirement that meetings be held in public places, open and physically accessible to the public, so long as measures are taken to ensure public access to the bodies' deliberations "through adequate, alternative means." This meeting will be live on Zoom. S. Goodwin stated that all votes will be taken by Roll Call.

Approval of Meeting Agenda:

The presentation by Alan Manoian, Director, Office of Community and Economic Development, was postponed to a later meeting at the request of Mr. Manoian.

Motion: To approve the agenda as amended. **By Roll Call Vote:** J Gugino, aye; M. Gibbons, aye; R. Defilippo, aye; S. Goodwin, aye. **Motion passed 4-0.**

Public Hearing: Application for Special Permit – R. D. Kanniard Homes, Inc. – 33 & 33B Sandy Pond Road: S. Goodwin opened by public hearing at 6:04 PM by reading the public hearing notice as advertised in *The Lowell Sun* on May 3 and May 10, 2022. The applicant is seeking a special permit pursuant to Ayer Zoning Bylaw (2019, as amended) Section 5.2.1.2 (Table of Use Regulations) to allow for a two-family dwelling in the A-2 Residence Zoning District. The ZBA was joined by Kevin Conover from David E. Ross Associates, representing the applicant.

S. Goodwin began by stating that the application was in error. The public hearing notice is based on the wording of the "ZBA Application for a Hearing." In this case, the application stated that "The applicant is seeking a Special Permit pursuant to Section 5.2.1.2 (Table of Use Regulations) to permit a Two-Family dwelling in a Residence A-2 Zoning District." However, the plans accompanying the application clearly show that the applicant is seeking permitting to construct a two-family dwelling on each of two separate lots, 33 and 33B Sandy Pond Road – in other words, 2 two-family dwellings.

S. Goodwin noted that an email had been received earlier in the day from an abutter who had received notification using the same misleading language as the application, "to allow for *a* two-family dwelling..." The abutter was then surprised to see that the site plan online showed the builder was

actually seeking permitting to build 2 two-family dwellings. In addition to the misleading wording, this raised concerns about increased density in this neighborhood.

Given this confusion, S. Goodwin stated that in his view, the application should be withdrawn, corrected, and then re-submitted with the correct wording. Mr. Conover said that the April 27 cover letter accompanying the application made it clear that the applicant sought permitting for 2 separate two-family dwellings. ZBA members agreed with S. Goodwin the application itself had to be correct before the ZBA could even talk about it.

Mr. Conover accordingly agreed to withdraw the application and resubmit a corrected version at a later date.

Motion: A motion was made by M. Gibbons and seconded by S. Goodwin to allow the applicant, R. D. Kanniard Homes, Inc., to withdraw the application without prejudice. **By Roll Call Vote:** J Gugino, aye; M. Gibbons, aye; R. Defilippo, aye; J. Ellis, aye; S. Goodwin, aye. **Motion passed 5-0.**

Approval of Meeting Minutes:

A motion was made by J. Ellis and seconded by M. Gibbons to approve the meeting minutes from February 16, 2022 as written. **By Roll Call Vote:** J Gugino, aye; M. Gibbons, aye; R. Defilippo, aye; J. Ellis, aye; S. Goodwin, aye. **Motion passed 5-0.**

Adjournment:

Motion: A motion was made by S. Goodwin and seconded by M. Gibbons to adjourn at 6:13 PM. **By Roll Call Vote:** J Gugino, aye; M. Gibbons, aye; R. Defilippo, aye; J. Ellis, aye; S. Goodwin, aye. **Motion passed 5-0.**

Minutes Recorded and Submitted by Jess Gugino

Date Minutes Approved by ZBA: _____

Signature of Clerk Indicating Approval: _____