

RECEIVED
NOV 23 2022

TOWN OF AYER
TOWN CLERK



9:00am

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



Wednesday November 30, 2022

6:00 PM

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

Continued Public Hearing – Application for a Variance – Nasoya Foods USA, LLC.

1 New England Way (Filed October 28, 2022)

Adjournment

The next regularly scheduled ZBA Meeting is Wednesday December 21, 2022 at 6:00 PM
via remote participation.

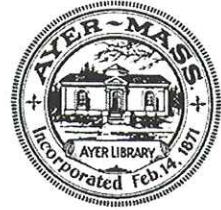
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NOV 01 2022

TOWN OF AYER
TOWN CLERK

10:00am (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 November 16, 2022 regarding an application by Nasoya Foods USA, LLC., for property located at 1 New England Way Ayer, MA. The applicant is seeking a Variance pursuant to Ayer Zoning Bylaw Section 6.2 to allow for the construction of a portion of a building to a height of 75ft where 40ft is allowed. For Zoom/Call-In information please contact sbenoit@ayer.ma.us or 978-772-8220 x114.

Advertised November 2, 2022 and November 9, 2022, *Lowell Sun*.

Law Office of Thomas A. Gibbons, PC.

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

www.tgibbonslaw.com
21 Park Street
Ayer, MA 01432
Telephone: (978)772-2284
Facsimile: (978)772-0802

Kyle J. Croteau, Esq.
kcroteau@tgibbonslaw.com
Licensed to practice in MA

Emily R. Langlais, Esq.
elanglais@tgibbonslaw.com
Licensed to practice in MA

October 28, 2022

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

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OCT 28 2022

TOWN OF AYER
TOWN CLERK

12:40pm


RE: 1 New England Way, Ayer, MA 01432
OUR FILE NO.: 22-8009

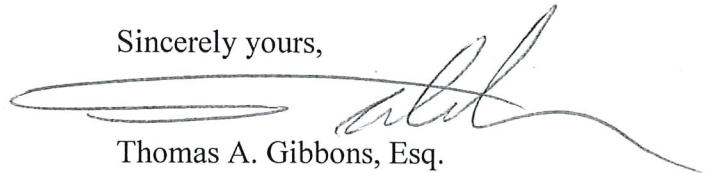
Dear Ms. Copeland,

Pursuant to MGL Ch 40A § 15, please accept for filing on behalf of the Ayer Zoning Board of Appeals, the application for Nasoya Foods USA, LLC for a variance to allow for the construction of a portion of a building to a height of 75 feet when 40 feet is allowed at 1 New England Way, Ayer, Massachusetts. Please find attached the following documentation:

- An original and a copy of a completed application and a certified list of a abutters for a hearing for the Town of Ayer Zoning Board of Appeals, thirteen (13) copies of a three (3) page plan set, and a 24' x 36' copy of the three (3) page plan set,
- A check in the amount of One Hundred Sixty Five Dollars (\$165.00) for filing,
- A check in the amount of Seventy-Four Dollars (\$74.00) for publishing.

We respectfully request a public hearing before the Zoning Board of Appeals at the November 16, 2022 meeting. If you have any questions or concerns regarding this matter, please do not hesitate to contact me.

Sincerely yours,


Thomas A. Gibbons, Esq.

TAG/df

\\GLSVR\Office Share\LOTAG 2020\ZONING\Nasoya Foods USA, LLC (1 New England Way, Ayer) #22-8009\ZBA app to city letter.doc



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

Name of Applicant: Nasoya Foods USA, LLC
(Full Name)

1 New England Way, Ayer, MA 01432
(Address)

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

c/o Law Office of Thomas A. Gibbons, P.C. - tgibbons@tgibbonslaw.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):

Nasoya Foods USA, LLC

Location of Property:

1 New England Way, Ayer, MA 01432

Assessor's Map 17 **Parcel** 18 **Land Size** 12.12 acres

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

Registry of Deeds Book 67233 **Page** 207

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:

- 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
- 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? N/A
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:

Seeking a variance from the Ayer Zoning Bylaw Section 6.2 to allow for the construction of a portion
of a building to a height of 75 feet when 40 feet is allowed.

Date: 10/28/22

Signed by 
(Petitioner)

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

c/o Law Office of Thomas A. Gibbons, P.C. - tgibbons@tgibbonslaw.com
(Email)

PLANS TO ACCOMPANY ZBA APPLICATION

FOR ONE NEW ENGLAND WAY AYER, MA

OCTOBER 20, 2022

SHEET INDEX		LATEST REVISED DATE	CONSTRUCTION	REVISIONS
SHEET No.	DESCRIPTION			
1	COVER SHEET			
2	EXISTING CONDITIONS PLAN			
3	LAYOUT PLAN			

OWNER/APPLICANT:

NOSOYA FOODS USA LLC
C/O
PULMUONE FOODS USA
2315 MOORE AVE
FULLERTON, CA 92833

ATTORNEY:

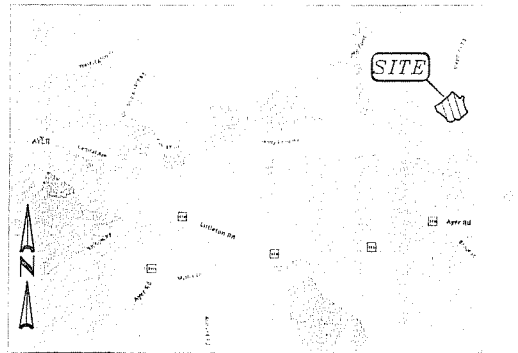
LAW OFFICE OF THOMAS A. GIBBONS, P.C.
21 PARK STREET
AYER, MA 01432

CIVIL ENGINEERS:

KELLY ENGINEERING GROUP, INC.
0 CAMPANELLI DRIVE
BRAintree, MA 02184

ARCHITECT/BUILDER

DACON
16 HURON DRIVE
NATICK, MA 01760





LOCATION MAP


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	SCALE	JOB #		ONE NEW ENGLAND WAY AYER, MA		SHEET NO. 1
	DATE	DRAWN BY		KELLY ENGINEERING GROUP 0 CAMPANELLI DRIVE, BRAintree, MA 02184 Phone: 617-647-1111 www.kellyeng.com		
	10/20/22	CA				
	SHEET	CHWD BY				
1 OF 3	DAK	FILE #	APPRO BY			
1000-200	DAK					

 MELLY ENGINEERING GROUP 235 NEW ENGLAND WAY AVER, MA 01450 TEL: (978) 251-8000 FAX: (978) 251-8001 WWW: WWW.MELLYENGINEERING.COM		SCALE: 1" = 40' DATE: 01/10/2019 DRAWN BY: JMM CHECKED BY: JMM PROJECT NO: 19-001
EXISTING CONDITIONS PLAN 1 NEW ENGLAND WAY AVER, MA		
SHEET NO. 2 TOTAL SHEETS: 2		

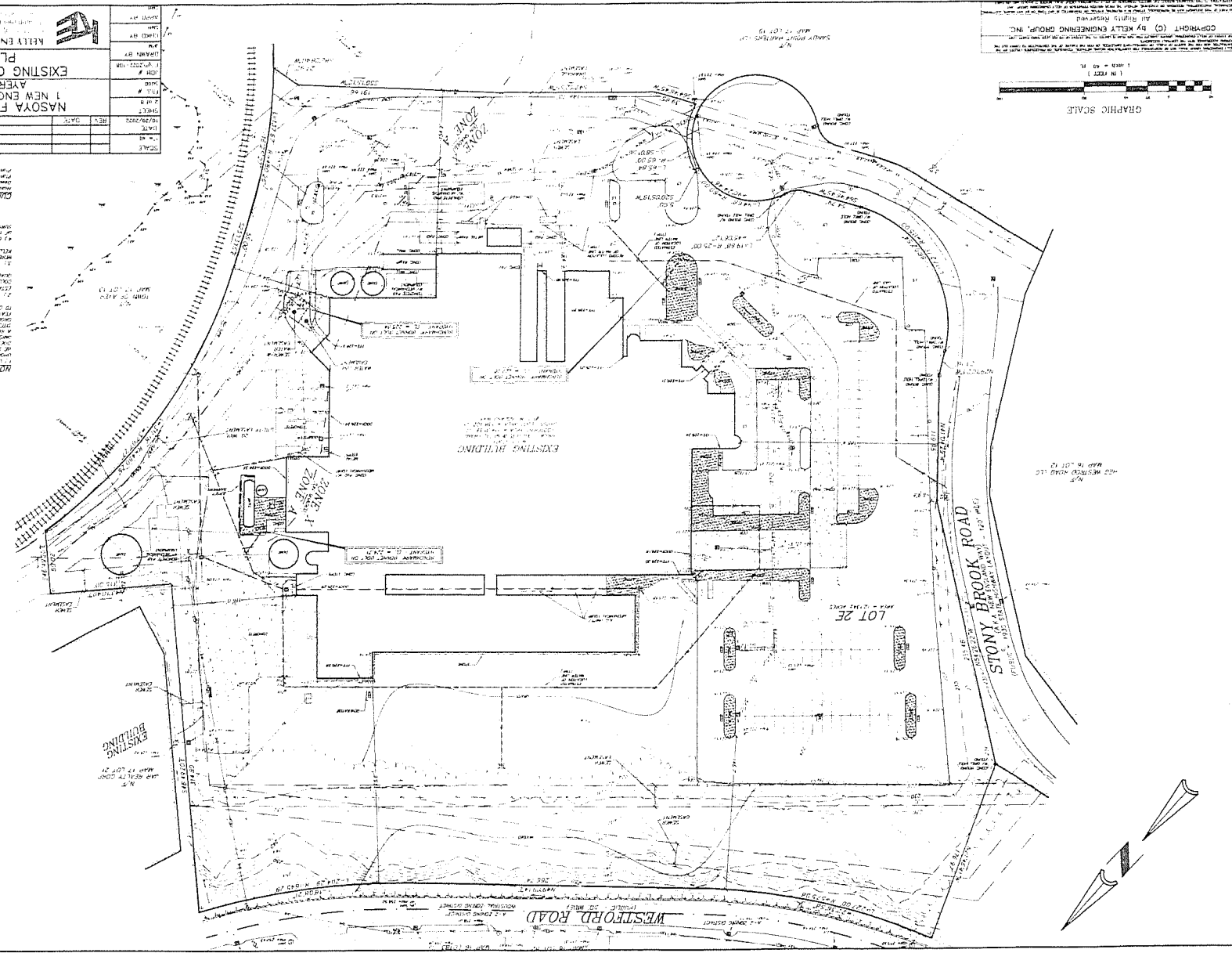
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 1" = 40'
 GRAPHIC SCALE

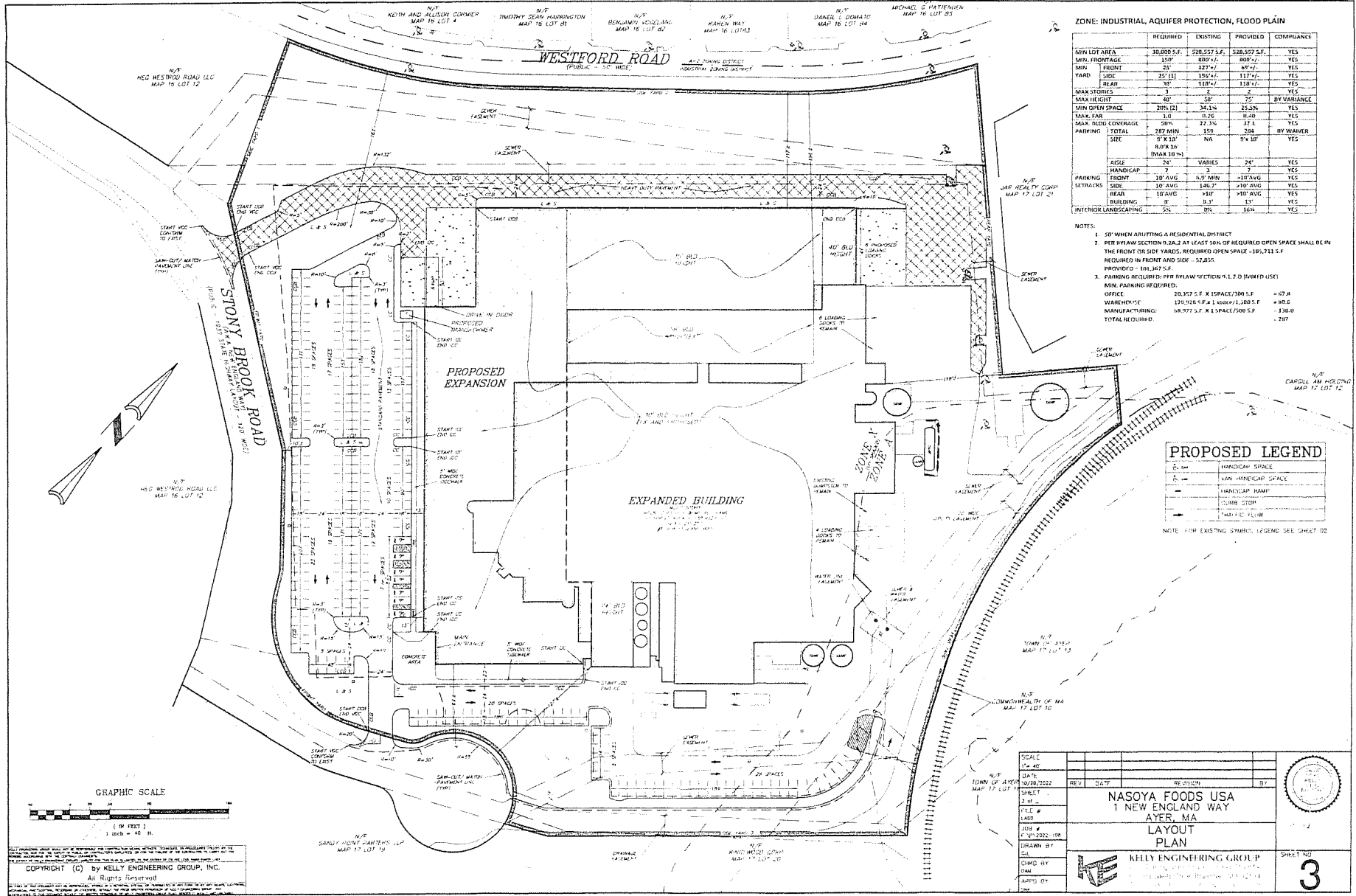


NOTES

1. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
2. EXISTING CONDITIONS AS SHOWN.
3. ALL UTILITIES ARE TO BE MAINTAINED AND PROTECTED.
4. THE EXISTING BUILDING IS TO BE DEMOLISHED AND A NEW BUILDING CONSTRUCTED AS SHOWN ON SHEET 1.
5. THE EXISTING DRIVEWAY IS TO BE RECONSTRUCTED AND WIDENED TO 20 FEET.
6. THE EXISTING PAVEMENT IS TO BE REPAIRED AND SLOPED FOR DRAINAGE.
7. ALL EXISTING UTILITIES ARE TO BE DELETED UNLESS OTHERWISE NOTED.
8. THE EXISTING FENCE IS TO BE MAINTAINED AND REPAIRED AS NEEDED.
9. THE EXISTING LANDSCAPING IS TO BE MAINTAINED AND REPAIRED AS NEEDED.
10. THE EXISTING SIGNAGE IS TO BE MAINTAINED AND REPAIRED AS NEEDED.

LEGEND	
(Symbol)	EXISTING BUILDING
(Symbol)	EXISTING DRIVEWAY
(Symbol)	EXISTING PAVEMENT
(Symbol)	EXISTING UTILITIES
(Symbol)	EXISTING FENCE
(Symbol)	EXISTING LANDSCAPING
(Symbol)	EXISTING SIGNAGE
(Symbol)	EXISTING ROADS
(Symbol)	EXISTING CURBS
(Symbol)	EXISTING DRAINAGE
(Symbol)	EXISTING LIGHTING
(Symbol)	EXISTING TREES
(Symbol)	EXISTING LANDSCAPING
(Symbol)	EXISTING SIGNAGE
(Symbol)	EXISTING ROADS
(Symbol)	EXISTING CURBS
(Symbol)	EXISTING DRAINAGE
(Symbol)	EXISTING LIGHTING
(Symbol)	EXISTING TREES





ZONE: INDUSTRIAL/AQUIFER PROTECTION, FLOOD PLAIN

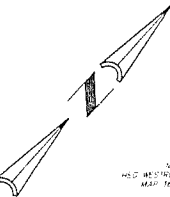
	REQUIRED	EXISTING	PROVIDED	COMPLIANCE
MIN LOT AREA	30,000 S.F.	228,527 S.F.	528,527 S.F.	YES
MIN FRONTAGE	150'	800' +/-	800' +/-	YES
MIN FRONT YARD	25'	227' +/-	80' +/-	YES
MIN SIDE YARD	25' (1)	150' +/-	117' +/-	YES
MIN REAR YARD	30'	118' +/-	118' +/-	YES
MAX STORIES	3	2	2	YES
MAX HEIGHT	40'	58'	75'	BY VARIANCE
MIN OPEN SPACE	20% (2)	34.1%	25.2%	YES
MAX FAR	2.0	0.36	0.40	YES
MAX SIDE COVERAGE	50%	27.3%	37.1	YES
PARKING TOTAL	287 MIN	350	308	BY WAIVER
PARKING SIZE	12' X 30'	NA	8' X 18'	YES
MIN R.O.P.S. (MAX 10%)	24'	VARIES	24'	YES
MIN HANDICAP	3	3	3	YES
PARKING FRONT SETBACK	10' AVG	8.9' MIN	10' AVG	YES
PARKING SIDE SETBACK	10' AVG	14.0' +/-	10' AVG	YES
PARKING REAR SETBACK	10' AVG	>10'	>10' AVG	YES
MIN BUILDING	8'	8.3'	13'	YES
INTERIOR LANDSCAPING	5%	0%	10%	YES

- NOTES:
- 50' WHEN ADJACENT A RESIDENTIAL DISTRICT
 - PER BYLAW SECTION 9.2.2 AT LEAST 50% OF REQUIRED OPEN SPACE SHALL BE IN THE FRONT OR SIDE YARDS, REQUIRED OPEN SPACE - 101,711 S.F. REQUIRED IN FRONT AND SIDE - 52,205. PROVIDED - 101,711 S.F.
 - PARKING REQUIRED: PER BYLAW SECTION 9.1.7.D (VAIRED USE)
 - MIN. PARKING REQUIRED:
 - OFFICE: 28,303 S.F. X 1 SPACE/300 S.F. = 94.3
 - WAREHOUSE: 120,528 S.F. X 1 SPACE/1,000 S.F. = 120.5
 - MANUFACTURING: 68,977 S.F. X 1 SPACE/500 S.F. = 137.9
 - TOTAL REQUIRED: 252.7

PROPOSED LEGEND

-	HANDICAP SPACE
-	MIN. HANDICAP SPACE
-	HANDICAP RAMP
-	CLARK STOP
-	HAS-FIC YELLOW

NOTE: FOR EXISTING SYMBOL LEGEND SEE SHEET 02



GRAPHIC SCALE



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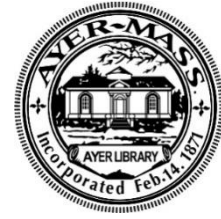
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SCALE	AS SHOWN	REV.	DATE	REVISION	BY
SHEET	3 OF 3		10/26/2022		
FILE #					
LAB					
JOB #	10/26/2022_008				
DRAWN BY	CEL				
CHECK BY	DMK				
DATE					
APP'D BY					
DATE					

NASOYA FOODS USA
1 NEW ENGLAND WAY
AYER, MA
LAYOUT PLAN

KELLY ENGINEERING GROUP
1000 Main Street
Boston, MA 02128
Tel: 617-552-1100
Fax: 617-552-1101

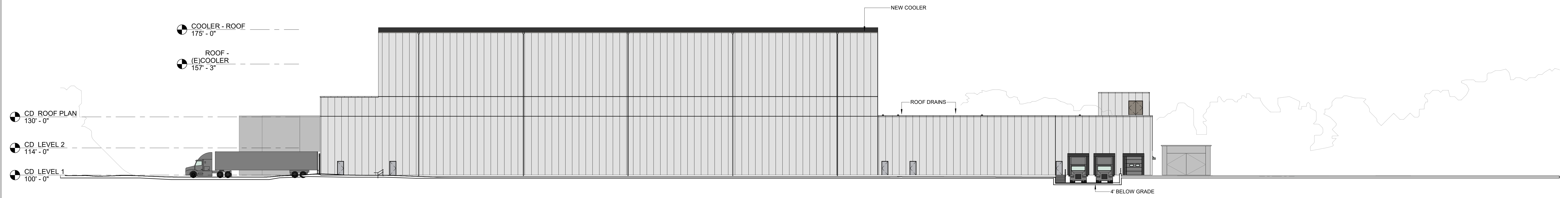
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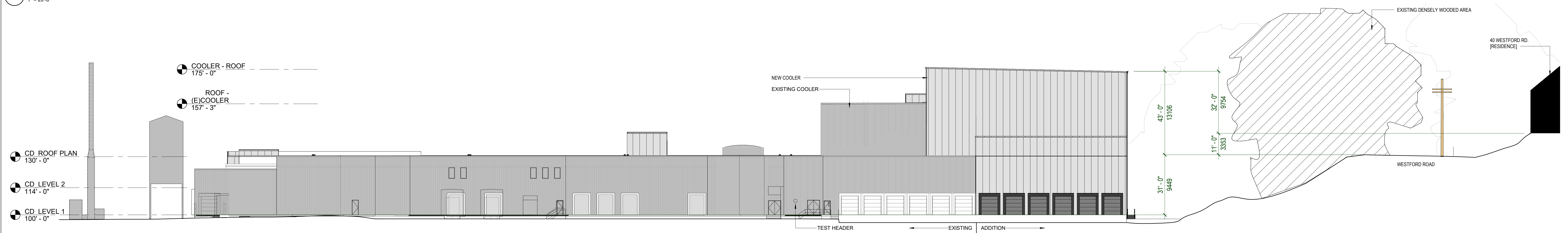
**Town of Ayer
Zoning Board of Appeals
Department Head Review Summary**

Application for Variance – 1 New England Way - Nasoya

Department	Comments
Town Manager	Defer to ZBA
Board of Health	No Issues
Department of Public Works	DPW does not have issues with the height at the proposed location. DPW is concerned about the encroachment of the sewer easement, the actual sewer force main location needs to be determined by applicant. Also concerned about expansion requiring addition sewer flows/loading above Nasoya's approval limits. Also concerned expansion must address wastewater pretreatment upgrades.
Police Department	No Comment at this time.
Fire Department	I would recommend we have access to the roof of the 75' building. There should be a roof access ladder either from the 30' of 58' roof tops, or a combination of roof tops. No other fire department issues or recommendations
Building Commissioner/Zoning Enforcement Officer	No Issues
Conservation Commission	Outside of Conservation Jurisdiction
Treasurer/Tax Collector	Aug. taxes were paid short. Have not seen Nov. payment yet but still are processing. Statement effective 11/2/22 is attached.
Town Clerk	No issues with this office
Assessor's Office	No Comment
Economic & Community Development	Require building elevations to assess visual impact of 75' height. Balloon test to understand height impact. Insufficient information to make recommendation.
Town Planner	I approve this variance request. Nasoya will be before the Planning Board for site plan review soon.



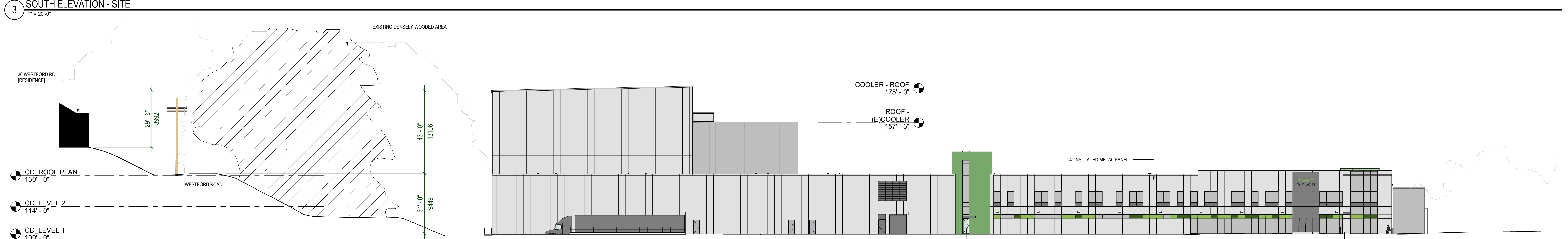
1 NORTH ELEVATION - SITE
1" = 20'-0"



2 EAST ELEVATION - SITE
1" = 20'-0"



3 SOUTH ELEVATION - SITE
1" = 20'-0"



4 WEST ELEVATION - SITE
1" = 20'-0"