

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

Wednesday October 8, 2014
Meeting Minutes

This meeting was not recorded or broadcast by APAC

Board Members In Attendance: Jeremy Callahan, Chair; Howard Hall; Christa Maxant; Ron DeFilippo; Michael Gibbons, Alternate

Also in Attendance: Carly M. Antonellis, Assistant to the Town Administrator

Call to Order: The meeting was called to order at 7:02 PM.

Election of Clerk:

MOTION: Motion made by J. Callahan and seconded by H. Hall to appoint C. Maxant as Clerk of the Zoning Board of Appeals. **Motion passes 5-0.**

Community Development Block Grant Update: Mr. David Maher, Director of the Office of Community and Economic Development gave an update of the Community Development Block Grant process.

Public Input: Ms. Sheila Schwabe of 47C Longview Drive stated that she believes the change being proposed by the Willows is substantial in nature.

Public Hearing – Special Permit – 15 Littleton Road: The public hearing was opened at 7:17 PM for an application dated August 11, 2014 by Global Montello Group for a Special Permit to the use of a drive through window per the Zoning Bylaw Section 4.4 Table 1.4.16.

MOTION: Motion made by J. Callahan and seconded by K. Maxant to approve the application for a special permit to allow a drive through window per Zoning Bylaw Section 4.4 Table 1.4.16.

Motion passes 5-0. The public hearing was closed at 7:27 PM.

Public Hearing – Variances – 15 Littleton Road: The public hearing was opened at 7:28 PM for an application dated August 11, 2014 by Global Montello Group for four (4) variances:

- 1) A variance is required from section 5.11 to allow a 24' spacing between the retail fuel dispenser islands where 30' is required.
- 2) A variance is required from Section 5.11 to allow 14' spacing between the diesel fuel dispenser islands where 30' is required.
- 3) A variance is required from Section 8.4.1 to allow a sign larger than 40 square feet and higher than 15'.
- 4) A variance is required from section 5.11 to allow 49' to the retail fuel canopy where a 75' setback is required

Michael Piecewicz of 29 Markham Circle spoke against the application sighting noise and light concerns.

Barbara Wilson of 26 Littleton Road spoke about her concerns with the proposed lighting.

Jason Langlais of 6 Myrick Street spoke about the potential negative impact the project would have on the neighborhood.

Matthew King of 21 Willard Street spoke in opposition of the project.

Richard Skoczylas of 17 Markham Circle spoke against the size of the proposed sign, stating he thought it was too large.

The applicant asked for a 5 minute recess at 8:19 PM.

The applicant asked to withdraw their application for four (4) variances.

MOTION: Motion made by J. Callahan and seconded by M. Gibbons to accept the withdrawal of the application, without prejudice. **Motion passes 5-0.** The public hearing was closed at 8:24 PM.

M. Gibbons recused himself for the next two items on the agenda (19 Fitchburg Road and 126 West Main Street) because the applicants are being represented by his uncle, Tom Gibbons.

Public Hearing - Variance – 126 West Main Street: The hearing was opened at 8:28 PM for the application dated July 18, 2014 by Rengard, LLC for a variance from lot size requirements.

The applicant asked for an extension of the public hearing until November 12, 2014 at 7:00 PM at the Ayer Fire Station.

MOTION: Motion made by J. Callahan and seconded by H. Hall to agree to extension request of the public hearing until November 12, 2014. **Motion passes 3-1.** The public hearing was closed at 8:34 PM.

Public Hearing - Variance – 19 Fitchburg Road: The public hearing was opened at 8:35 PM for an application dated August 25, 2014 by Hunt RE Acquisitions, LLC for four (4) variances:

- 1) A variance from Section 3.3.2.2 (d)(3)(b) and Section 5.12 of the Ayer Zoning Bylaw to allow a side yard setback of 14' where 25' is required on the North Westerly side of the property.
- 2) A variance from Section 6.1 of the Ayer Zoning Bylaw allowing for a total of 28 parking stalls where 42 are required.
- 3) A variance from Section 6.3(c) of the Ayer Zoning Bylaw allowing for parking stalls of 9' feet by 18' where 10' by 20' feet is required.
- 4) A variance from Section 6.3(d) allowing for a 0' offset of parking stalls from the South Easterly side of the proposed building where 10' is required.

J. Callahan read a letter dated September 11, 2014 from Family Dollar, which outlined the need and their support for the variances.

H. Hall inquired about the wetlands buffer zone. The developer will be working with the Conservation Commission on this issue.

Mr. Jay Veasie of 22 Groton School Road had a question relative to setbacks.

MOTION: Motion made by J. Callahan and seconded by H. Hall to grant Variance #1 relative to side yard setback. **Motion passed 4-0.**

MOTION: Motion made by J. Callahan and seconded by C. Maxant to grant Variance #2 relative to number of parking stalls. **Motion passed 4-0.**

MOTION: Motion made by J. Callahan and seconded by H. Hall to grant Variance #3 relative to size of parking stalls. **Motion passed 4-0.**

MOTION: Motion made by J. Callahan and seconded by C. Maxant to grant Variance #4 relative to offset of parking stalls. **Motion passed 4-0.** The public hearing was closed at 9:06 PM.

C. Maxant recused herself for the next agenda item. (53 Willard Street) because her father is an abutter to the property.

Public Hearing – Appeal – 53 Willard Street: The public hearing was opened at 9:07 PM.

J. Callahan read the Cease and Desist Order from the Building Commissioner dated 8/12/14 addressed to property owner Charles Sortino. Mr. Sortino is appealing the Cease & Desist Order.

Mr. Sortino is appealing the decision by the building commissioner, which states in relevant part:

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

Several residents spoke in favor and in opposition of the request.

MOTION: Motion made by J. Callahan and seconded by R. Defillipo to deny the appeal of Mr. Charles Sortino. **Motion passed 3-1.** The order from the Building Commissioner will stand. The public hearing was closed at 9:26 PM.

J. Callahan recused himself for the next two items on the agenda (Willows Bond Reduction and Willows Request for Non Substantial Change) because his sister is a resident of the Willows.

Bond Reduction Request – The Willows: R. Defillipo read a letter from DPW Superintendent M. Wetzel dated October 3, 2014 recommending a bond reduction for the Willows in the amount of \$147,520. There is a balance of \$251,257 remaining, including a contingency of \$23,729.

MOTION: Motion made by R. Defillipo and seconded by M. Gibbons to reduce the Bond for the Willows in the amount of \$147,520. **Motion passed 4-0.**

Request for “Non Substantial Change” – The Willows: Mr. Mark O’Hagan from MCO & Associates was present and was requesting that the change The Willows is seeking to make be deemed insubstantial in nature. The changes requested are to:

- 1) Relocate #56-58 to avoid area of poor soil
- 2) Relocate #87 in order to avoid area of poor soil
- 3) Adjust location of #88 to correct alignment with street

Mr. Duncan Brown of 47B Longview Circle stated that a group of residents from the Willows had formed Ad Hoc Committee.

Ms. Sheila Schwabe of 47C Longview Circle had objections because she is on an end unit and was led to believe that no other units would be going in beside her.

Ms. Martha Dudley of 47A Longview Circle spoke in opposition of the project.

MOTION: Motion made by M. Gibbons and seconded by C. Maxant to deem the project insubstantial in nature. **Motion failed 2-1-1.** A Public Hearing will be setup within 30 days.

MOTION: Motion made by J. Callahan and seconded by H. Hall to adjourn at 10:46 PM. **Motion passed 5-0.**

Minutes recorded and submitted by Carly M. Antonellis, Assistant to the Town Administrator

ZBA Approval Date: 11/12/14

ZBA Clerk: 