

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



Wednesday February 11, 2015
Open Session Meeting Minutes

Not Recorded by APAC

Present: Jeremy Callahan, Chair; Christa Maxant, Clerk; Ron Defilippo; Sam Goodwin; Michael Gibbons (Alternate);

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

Moment of Silence: J. Callahan asked for a moment of silence in remembrance of Zoning Board Member Howard Hall who recently passed away.

Continued Public Hearing from January 14, 2015 & January 20, 2015 –Special Permit Application – Borrego Solar Systems, Inc – East of Groton School Road/Park Street (Filed 11/17/14): J. Callahan re-opened the public hearing at 7:01 PM. TJ Murphy of Borrego Solar and Justin Woodward from National Grid gave an overview of the project and the local permitting they have been through with the Ayer Conservation Commission.

S. Goodwin had questions about the actual ownership of the project. T. Murphy stated that the project will be owned and operated by National Grid, but Borrego Solar had just been contracted to build the solar array. T. Murphy stated that the solar array is considered an asset, similar to poles/substations.

S. Goodwin stated that National Grid should have applied for the Special Permit. T. Murphy said they were contracted by National Grid to apply.

R. Defillipo stated that he was ok with the project and that he would hate to see the project not move forward due to a technicality.

C. Maxant asked how this project is considered a “utility without a service yard” versus “research and light manufacturing” which have different restrictions in the bylaws. T. Murphy stated that National Grid will be testing software in the inverters at this site as to gain maximum benefit of the solar array but the primary use of the project is as an asset to produce electricity thereby qualifying it as a utility is not research.

Mr. David Messcher of 11 Gardner Lane has a question about screening around the property. Both T. Murphy and the J. Woodward said they planned on putting up evergreens on the north side of the array. J. Callahan asked that Borrego Solar and National Grid send a screening plan for review.

C. Maxant asked Borrego Solar and National Grid to send an example of a decommissioning plan, not for this site, but as an example. T. Murphy will be sending a plan along.

J. Callahan asked Borrego Solar and National Grid to submit: 1) a revised application, clearly stating that National Grid will own and operate the project; 2) a screening plan; 3) a sample decommissioning plan.

Motion: A motion was made by J. Callahan and seconded by M. Gibbons to approve the special permit request on the revised application with National Grid as the owner and operator of the project pursuant to the Zoning Bylaw Table 4.4, *Table of Use Regulations* Subsection 2.6 *Public Utility without service yard*. **Motion passed 5-0.**

Motion: A motion was made by J. Callahan and seconded by C. Maxant to close the public hearing at 7:51 PM. **Motion passed 5-0.**

Public Hearing – Variance Application – JAR Realty Corporation, 1 Nemco Way (Filed 1/12/15): J. Callahan opened the public hearing at 7:55 PM and read the public hearing notice as published in the Ayer Public Spirit on January 23, 2015 and January 30, 2015.

Mr. Steve O’Connell from Andrews Survey & Engineering stated that the applicant, JAR Realty Corporation, 1 Nemco Way is seeking two forms of relief: 1) to allow a 15’ side setback (25’ required in bylaw) and 2) to allow a 47’ building height (40’ maximum height allowed in bylaw).

S. Goodwin had a question about the height of the building. S. O’Connell stated the height of the building needs to be at 47’ to work within existing framework and to allow for enough ceiling space.

Motion: A motion was made by J. Callahan and seconded by R. Defilippo to approve the application for a variance to allow a 1) 15’ side setback and 2) a 47’ building height. **Motion passed 5-0.**

Motion: A motion was made by J. Callahan and seconded by S. Goodwin to close the public hearing at 8:03 PM. **Motion passed 5-0.**

Request for Modification to Special Permit: Vincent Benincasa from Habitat for Humanity of North Central Massachusetts has requested a slight modification to the special permit granted by constructive approval in the summer of 2014. Habitat is seeking to alter the design of the home; however the square footage will remain the same. Also they are looking to add an additional driveway, which has already been reviewed by the DPW and agreed to.

Motion: A motion was made by J. Callahan and seconded by M. Gibbons to endorse the requested modification as non-substantial in nature. **Motion passed 5-0.**

New Business: J. Callahan asked the members that if funding was available in the FY’16 budget, would members be interested in training opportunities through the Citizen Planner Training Collaborative. Several members were interested.

Approval of Meeting Minutes:

Motion: A motion was made by J. Callahan and seconded by S. Goodwin to approve the meeting minutes of January 20, 2015. **Motion passed 5-0.**

Adjournment:

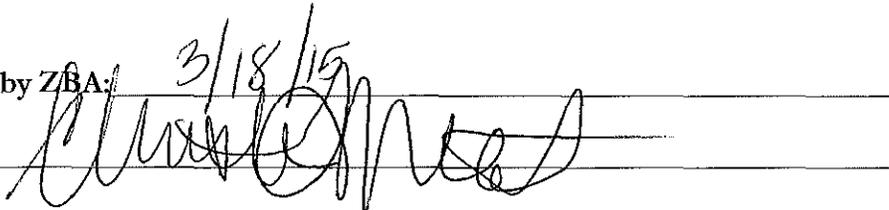
Motion: A motion was made by J. Callahan and seconded by M. Gibbons to adjourn at 8:25 PM. **Motion passed 5-0.**

Minutes Recorded and Submitted by Carly M. Antonellis

Date Minutes Approved by ZBA:

3/18/15

Christa Maxant, Clerk:

A handwritten signature in black ink, appearing to be 'Christa Maxant', is written over two horizontal lines. The signature is cursive and somewhat stylized.