

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



**Wednesday December 20, 2017**  
**Open Session Meeting Minutes**

**Present:** Samuel A. Goodwin, Jr., Chair; Michael Gibbons, Vice-Chair; Ron Defilippo, Clerk; John Ellis, Jess Gugino

Carly M. Antonellis, Assistant to the Town Administrator

**Call to Order:** S. Goodwin called the meeting to order at 6:05 PM.

**Approval of Agenda:** A motion was made by M. Gibbons and seconded by J. Ellis to approve the agenda. **Motion passed 5-0.**

**Town Planner Mr. Mark Archambault:** *Zoning Bylaw Update Status Report* - M. Archambault was in attendance to discuss the proposed Zoning Bylaw Update process. He invited all ZBA members to a meeting with the project consultant on Wednesday December 27, 2017 at 3:30 PM to discuss the proposed changes. He stressed that the Zoning Bylaw update is to modernize the current bylaw, which is outdated and to establish a solid foundation, so that Town boards/resident/employees can more easily interpret the document.

J. Ellis asked several questions about process, specifically if Planning Board decisions can be appealed to the ZBA. C. Antonellis stated that the Special Permit and Variance process will still adhere to Massachusetts General Law Chapter 40A and that the appellate process is through the court system.

**Public Hearing – Application for Special Permit – MB Realty Corp. - 0 Groton Harvard Road (Filed 11/21/17):** S. Goodwin opened the Public Hearing at 6:20 PM by reading the public hearing notice as advertised in the Nashoba Valley Voice on December 1<sup>st</sup> and December 8<sup>th</sup>, 2017. The applicant is seeking a Special Permit pursuant to Ayer Zoning Bylaw (2009) 4.4.4.10 to allow for commercial parking area in Light Industrial District for trucks and miscellaneous storage.

*M. Gibbons recused himself because he owns property adjacent to the subject property.*

Mr. Kerry Curley from Team Realty was in attendance on behalf of the applicant. Mr. Curley stated that the applicant has always kept equipment on site and he was unsure why the Building Commissioner sent him to the ZBA. C. Antonellis stated that the Building Commissioner considered it an abandoned use because the property was vacant for more than 2 years.

Mr. Bob Hebb from Nashoba Valley Express, Central Ave. stated that he had no issues as an abutter.

Mr. Halim Makhlouta, Ayer Auto Repair, Central Ave. read a letter into the record which stated, in relevant part, that "There have been occasions when tractor-trailer drivers have parked their vehicles in my parking lot. As a result, I am concerned that whoever will be purchasing or leasing o Groton Harvard Road may encroach on my property..."

Mr. Denis White, 89 Central Ave., stated that he didn't think the measurements provided by the applicant were correct in relation to the property lines.

J. Ellis said that he was concerned because the Chief of Police has raised the issue about the safety of the intersection at Central Ave and Groton Harvard Road.

S. Goodwin reminded the ZBA that they could put conditions on the permit.

J. Gugino stated that she had concerns from the Conservation Commission perspective due to the proximity to the pond. She also has concerns about the increase in traffic.

R. Defilippo said that he was concerned about the safety due to the proximity to the railroad line.

The Board discussed and agreed to put the following stipulations on the Special Permit, if granted: #1 no dumpsters or waste storage; #2 must meet Conservation Commission requirements; #3 limit the size of to 26,000 GBW; #4 no storage of fuel or fuel containers; #5 no unregistered vehicles; #6 place screening between subject property and Central Ave abutters.

Mr. Curley stated that he would consult with his client and inform C. Antonellis of the decision in the next week. C. Antonellis recommended that the hearing be continued until the next ZBA meeting.

**Motion:** A motion was made by S. Goodwin and seconded by J. Ellis to continue hearing until 6:00 PM on January 17, 2018. **Motion passed 4-0.**

*M. Gibbons rejoined the ZBA meeting.*

**Public Hearing – Application for Special Permit – Calco, LLC. - 217 West Main Street (Filed 11/17/17):**

S. Goodwin opened the Public Hearing at 7:20 PM by reading the public hearing notice as advertised in the Nashoba Valley Voice on December 1<sup>st</sup> and December 8<sup>th</sup>, 2017. The applicant is seeking a Special Permit pursuant to Ayer Zoning Bylaw (2009) 4.4.5.3 to allow for warehousing and interior storage in the General Business District.

Mr. Kyle Burchard from GPR was in attendance for the applicant. S. Goodwin informed the applicant that there was work being proposed in the flood plain and that a separate application would need to come back to the ZBA for that work.

ZBA members discussed the merits of the project and some members expressed concern about another storage facility on West Main Street. M. Gibbons stated that there is clearly a need for the storage units or the builder would not have pursued it.

Mr. Ken Diskin, 180 Washington Street said he had concerns about the project in the flood plain district.

**Motion:** A motion was made by M. Gibbons and seconded by J. Ellis to grant a Special Permit pursuant to Ayer Zoning Bylaw 4.4.5.3 to allow for warehousing and interior storage. **Motion passed 4-1.**

**Motion:** A motion was made by S. Goodwin and seconded by M. Gibbons to close the Public Hearing at 7:54 PM. **Motion passed 5-0.**

**Approval of Meeting Minutes:**

**Motion:** A motion was made by S. Goodwin and seconded by M. Gibbons to approve the meeting minutes from November 15, 2017. **Motion passed 5-0.**

**Adjournment:**

**Motion:** A motion was made by J. Ellis and seconded by M. Gibbons to adjourn at 7:55 PM. **Motion passed 5-0.**

**Minutes Recorded and Submitted by Carly M. Antonellis**

**Date Minutes Approved by ZBA:** Jan 17 2018

**Signature of Clerk Indicating Approval:** 