

**Town of Ayer**  
**Zoning Board of Appeals**  
**7:00pm Ayer Police Station – Community Room**



**Meeting Minutes For**  
**Thursday, August 21, 2014**

ZBA Members Present: J. Callahan, Chair; R. DeFilippo; H. Hall  
ZBA Members Absent: C. Schultz

Also in Attendance: R. Pontbriand, Town Administrator; Attorney Brian J. Winner, Town Counsel

**Call To Order:** The ZBA Meeting was called to order by J. Callahan at 7:06pm in the Community Meeting Room of the Ayer Police Station located at 54 Park Street, Ayer, MA 01432.

R. Pontbriand thanked the ZBA Members for their willingness to serve and for the reconstitution of the Ayer ZBA. He stated that he invited Attorney Brian J. Winner of Town Counsel to advise the new ZBA about their roles and responsibilities and to offer any legal guidance on these first matters as this is a new ZBA with many new Members.

R. Pontbriand stated that Mr. Peter Bemis representing Randolph and Baldwin (17 Bligh Street) was present to request a revision to a previously granted Special Permit for 17 Bligh Street and has respectfully requested that the ZBA consider hearing him first due to another ZBA meeting he has to be at in another community.

**Organization of the ZBA:**

The ZBA discussed the organization of the Board in terms of a Chairman and a Clerk.

J. Callahan stated that he would be willing to volunteer to serve as Chair to facilitate the meetings and would like to wait until C. Schultz was present to decide on a Clerk.

**MOTION:** A Motion was made by R. DeFilippo and seconded by H. Hall to make J. Callahan Chairman of the ZBA. **Motion Passes 3-0.**

**Old Business**

**17 Bligh Street – Request for Revision of Special Permit**

Mr. Peter Bemis appeared before the ZBA and gave an overview of his request for a minor revision to the Special Permit awarded by the ZBA. The revision would consist of the ZBA granted an increase in the building foot print to 80 feet by 100 feet with the expansion extending

into a section of the site that was already planned to be pavement and there would be about 950 sq ft of additional pavement installed to allow for truck turning opposite the building. [See Attached Letter, 8/1/2014 from EDC]

Mr. Bemis further stated that the Conservation Commission and Planning Board have approved and signed off on this request for revision but the Building Commissioner has advised that he needs a letter from the ZBA. Mr. Bemis provided a copy of the letter from the Planning Board [See Attached]

Attorney Winner advised that the Special Permit was previously approved and that the ZBA does have the authority to make minor revisions/changes as long as they do not result in significant changes to the substantive conditions of the Special Permit.

J. Callahan stated that Conservation and Planning had no issue and that this minor revision seems appropriate and acceptable.

R. DeFilippo and H. Hall concurred.

**MOTION: A Motion was made by J. Callahan and seconded by H. Hall to accept the letter of August 1, 2014 from EDC as presented and issue a determination that the ZBA finds that the requested revision of the Special Permit does not change the original relief sought by the Special Permit. Motion Passed 3-0.**

### **Roles and Responsibilities of the ZBA**

Attorney Winner made a presentation to the ZBA regarding the roles and responsibilities of the ZBA. He reviewed the topics of Open Meeting Law; Public Records; and Conflict of Interest with the ZBA.

He provided the ZBA Members with a copy of the Massachusetts Zoning Act.

The ZBA reviewed the Zoning Act and the Town's Zoning Bylaw focusing on the major aspects of both governing documents.

Jurisdiction of the ZBA was discussed in terms of: Special Permits; Variances; Appeals from the Building Inspector; and 40B Comprehensive Permits. The importance of timelines and dates was discussed.

The issues of the importance of quorum of the ZBA and Consultant Peer Review Process were also discussed.

Attorney Winner stated that there is a lot of material to digest and understand and that Town Counsel will remain as a resource through the Town Administrator to assist the ZBA when needed.

### **Scheduling of Pending ZBA Matters (Old Business):**

The ZBA scheduled a Public Hearing for the application for Variance for 126 West Main Street, Ayer to be held on Monday, September 15, 2014 at 7pm in the Ayer Police Station's Community Meeting Room located at 54 Park Street. All notifications and publications will be issued.

The ZBA scheduled the Variance and Special Permit application from 15 Littleton Road to take place on Wednesday, October 8, 2014 at 7pm in the Ayer Police Station's Community Meeting Room located at 54 Park Street. All notifications and publications will be issued.

### **New Business**

#### **83 Washington Street**

Attorney Gibbons appeared before the ZBA regarding 83 Washington Street and the issue as to whether a finding or variance would be required. The ZBA and Town Counsel reviewed and discussed the issue(s) and determined that a variance would not be required but a finding would be the appropriate relief. Attorney Gibbons was advised that if he wished to proceed he would need to file with the ZBA by August 24, 2014. Attorney Gibbons stated that he would take it under advisement.

#### **19 Fitchburg Road**

Attorney Gibbons appeared before the ZBA regarding his client's intent to seek several variances to the property which are:

1. Variance for the side yard of the property with a set- back of 9 feet;
2. Variance for Parking Spaces (General Business District requires 42 spaces that are 10x20 ft stall size) that would be for 28 spaces that are 9ft x 18ft;
3. Variance for the parking block to have no offset from the building

Attorney Gibbons stated that he would file with the ZBA.

The ZBA stated that this Variance Application for 19 Fitchburg Road would be scheduled for Monday, September 15, 2014 at 7pm at the Ayer Police Station's Community Meeting Room located at 54 Park Street. All notifications and publications will be issued.

The Town Administrator advised the ZBA that there is an application for appeal of the Building Inspectors decision regarding a fence placement at 15 Willard Street. The appeal application is in order.

The ZBA stated that this Appeal Application for 15 Willard Street would be scheduled for Monday, September 15, 2014 at 7pm at the Ayer Police Station's Community Meeting Room located at 54 Park Street. All notifications and publications will be issued.

There was no further business before the ZBA.

**MOTION:** A Motion was made by J. Callahan and seconded by H. Hall to adjourn the Ayer ZBA. **Motion Passed 3-0.**

The ZBA adjourned at 9:10pm.

Minutes Recorded by: R. Pontbriand, Town Administrator

Date Minutes Review and Approved by ZBA: 11/12/14

Signature by the ZBA Clerk: 