

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



Wednesday March 21, 2018
Open Session Meeting Minutes

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

Call to Order: S. Goodwin called the meeting to order at 6:01 PM.

Approval of Agenda:

Motion: A motion was made by M. Gibbons and seconded by J. Ellis to approve the agenda as posted.

Motion passed 5-0.

Public Hearing (cont'd. from 2/21/2018) – Application for Variance and Special Permit – Town of Ayer – Property off o Rear Highland Avenue/115 Washington Street, Assessor's Map 20/Parcels 20-22, Page-Hilltop water tank site (Filed 1/30/2018): S. Goodwin re-opened the Public Hearing at 6:01 PM. The applicant is seeking a variance and special permit from Zoning Bylaw (2009) Article 3.3.5.1 Wireless Communications Services District to erect a 120 ft. guyed telecommunications tower to support antennas for Town of Ayer public safety operations.

The variance is sought to allow for erection of a guyed tower in a location not covered in the Wireless Communications Services District. The Special Permit is sought pursuant to Ayer Zoning Bylaw (2009) 3.3.5.1 Wireless Communications Services District for approved Town Project 17PD01. The 120 ft. guyed tower would be used to support antennas for public safety – Police, Fire, DPW. Additionally, a 1,000 gallon propane tank, 25 KW standby generator, and concrete pre-fabricated communications shelter are proposed for installation on site to support the communications system.

Police Chief William Murray turned the presentation over to John Facella, of Panther Pines Consulting, LLC, and Joe Guidebeck, of Timberline Communications.

In response to questions and concerns raised by abutters at the 2/21 ZBA Hearing, Panther Pines prepared a Question-and-Answer sheet, which was also posted on the Town website.

At the onset of the Hearing, no abutters were present, but two showed up prior to the Hearing being closed.

Mr. Facella produced photos showing simulations of what the tower would look like from various vantage points: Brilaina Court, Norwood Avenue, by the High School, and by the Elementary School. The 120-ft. tower will rise an additional 40 ft. higher than the 80-ft. water tank on which existing antennas are currently mounted.

He showed hard copies of these photos to the ZBA, and later to abutters Bill Daniels, of 3 Brilaina Court, and Keith Shaw, of 42 Highland Avenue.

In response to a question from R. DeFilippo, Mr. Facella said the standby generator that will be added to the site will be equipped with a muffler and will not be any louder than a typical air-conditioning unit.

JG asked for followup to abutter questions regarding insurance against possible damage to abutter properties. Mr. Facella said there are no homes located within the fall zone of the towers, and that the chances of a tower falling are very, very small. Such towers are now constructed to meet current industry standards that were approved after Hurricane Katrina.

Mr. Shaw asked about the impact of the tower on real estate values for residents in the neighborhood. While Mr. Facella said the tower would not be visible from most parts of Brilaina Court, Mr. Shaw said he can see the water tank in the winter, and therefore would also be able to see the tower. Mr. Shaw said no real estate professionals had been consulted to offer their opinion on this.

S. Goodwin said the ZBA could not speak to property values but thought it would be comparable to a fire plug, which also isn't attractive but is necessary for public safety.

Mr. Facella said there were no good alternatives to the Page-Hilltop site for this tower. The site is on one of the highest hills in town, is on town property, is more or less at the geographical center of town, and is by the water tank where current antennas are already located – though not at the height they need to be for full coverage. The reason for building a higher tower is to provide “a fix for a problem that impacts officer and public safety.”

Motion: A motion was made by M. Gibbons and seconded by J. Ellis to grant a variance to allow for the erection of the 120-ft. guyed telecommunications tower in a location which is not covered in the Wireless Communications Services District and to grant a special permit pursuant to Zoning Bylaw (2009) 3.3.5.1 Wireless Communications Services District to erect a 120-ft. guyed telecommunications tower to support antennas for Town of Ayer public safety operations, as continued from 2/21/2018. **Motion passed 5-0.**

Public Hearing (cont'd. from 2/21/2018) – Application for Variance and Special Permit – Town of Ayer – 54 Park Street, Assessor's Map 26/Parcel 19-17, Page-Hilltop water tank site (Filed 1/30/2018): S. Goodwin reopened the Public Hearing at 6:29 PM, as initially advertised in the Nashoba Valley Voice on February 2 and 9, 2018, for a variance to allow for the erection of a 70-ft. utility pole in a location which is not covered in the Wireless Communications Services District and a special permit pursuant to Zoning Bylaw (2009) 3.3.5.1 Wireless Communications Services District to erect a 70-ft. utility pole to support antennas for Town of Ayer public safety operations.

No abutters were present to speak to this application.

Motion: A motion was made by M. Gibbons and seconded by J. Ellis to grant a variance to allow for the erection of a 70-ft. utility pole in a location which is not covered in the Wireless Communications Services District and to grant a special permit pursuant to Zoning Bylaw (2009) 3.3.5.1 Wireless Communications Services District to erect a 70-ft. utility pole to support antennas for Town of Ayer public safety operations, as continued from 2/21/2018. **Motion passed 5-0.**

Motion: A motion was made by M. Gibbons and seconded by J. Ellis to close the Public Hearings for 0 Real Highland Avenue/115 Washington Street and for 54 Park Street. **Motion passed 5-0.**

Public Hearing – Application for Variance – Lewis Frampton, 4 Pearl Street (Filed 2/28/2018): S. Goodwin opened the Public Hearing at 6:30 PM by reading the notice as advertised in the Nashoba Valley Voice on March 2 and 9, 2018. The applicant is seeking a variance from Ayer Zoning Bylaw (2009) 5.12 “Lot Area” to

allow for the conversion of existing attic space into a 5th living unit on a 17,509 sq. ft. lot where 22,000 sq. ft. is required.

Mr. Frampton was present and described the project. The existing building was built in the 1880s. The entire house was used as living space, including the attic floor which is full height and has a staircase entering the space. Currently the house has four apartments – two 1-bedroom apartments on the first floor, and a 1-bedroom and a 2-bedroom apartment on the second floor. Mr. Frampton would like to turn the third floor attic into a 5th apartment.

The current Bylaw requires a lot size of 10,000 sq. ft. with an additional 3,000 sq. ft. added per dwelling unit. A 5th unit would therefore raise the lot requirement to 22,000 sq. ft.

The square footage on the third floor is approximately 1200 sq. ft. and has existing room separating infrastructure. Mr. Frampton stressed that the project does not add new space and just involves renovating the existing space. He produced concept photos of what the intended renovation design would look like.

Mr. Frampton is aware that, if approved, he will need to have an architect design a second means of egress for the third floor. He is also aware that he will need to be able to provide parking for 10 cars if the 5th unit is approved (2/unit). Based on aerial photos of the lot, Mr. Frampton was confident that he already has room for 10 cars as the previous owner expanded the parking area and added a retaining wall. If the 10 spaces are not found to be there, the Building Inspector will have to refer the applicant back to the ZBA under a different application.

J. Ellis asked if this was comparable to another application considered and rejected by the ZBA in the previous year, where the issue of dwelling units was raised. S. Goodwin said that application had involved the construction of two additional buildings separate from an existing building. The current application does not involve separate buildings, nor any external change to the existing building.

No abutters were present to speak on the application.

R. DeFilippo said that while he is normally sparing about granting variances, in this case the space involved was historically occupied, no changes to the building envelope are contemplated, and the project will both rehabilitate a historic house and improve the neighborhood.

Motion: A motion was made by S. Goodwin and seconded by J. Ellis to grant the variance for Lot Area as requested. **Motion passed 5-0.**

Motion: A motion was made by J. Gugino and seconded by M. Gibbons to close the Public Hearing. **Motion passed 5-0.**

Approval of Meeting Minutes:

Motion: A motion was made by S. Goodwin and seconded by R. DeFilippo to approve the meeting minutes from February 21, 2018. **Motion passed 5-0.**

Adjournment:

Motion: A motion was made by S. Goodwin and seconded by J. Ellis to adjourn at 6:56 PM. **Motion approved 5-0.**

Minutes Recorded and Submitted by Jess Gugino

Date Minutes Approved (As Amended) by ZBA:

Samuel A. Gugino

Signature of Clerk Indicating Approval:

April 18, 2018