



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



**Wednesday, January 18, 2023**  
**Remote Participation Open Session Meeting Minutes**

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

**Absent:** Ron Defilippo, Clerk

**Also Present:** Samantha Benoit, Administrative Coordinator

**Call to Order:** S. Goodwin called the meeting to order at 6:03pm. He stated that due to the ongoing COVID-19 Pandemic, in accordance with Chapter 22 of the Acts of 2022, suspending certain provisions of the Open Meeting Law (OML), public bodies otherwise governed by the OML are temporarily relieved from the requirement that meetings be held in public places, open and physically accessible to the public, so long as measures are taken to ensure public access to the bodies' deliberations "through adequate, alternative means." This meeting will be live on Zoom. The public may participate remotely by joining Zoom (Meeting ID# 857 9728 7177) or by calling (312-626-6799). For additional information about remote participation, please contact Samantha Benoit, Administrative Coordinator at sbenoit@ayer.ma.us or 978-772-8220 ext. 114 prior to the meeting.

**Approval of the Agenda:** Motion was made by M. Gibbons to approve the agenda as written.

Seconded by J. Gugino.

**Roll Call Vote:** M. Gibbons, aye; J. Gugino, aye; John Ellis, aye; S. Goodwin, aye.

**Motion Passed (4-0)**

**Public Hearing – Application for a Variance – Tannery Crossing, LLC. – 11 Tannery Street (Filed December 30, 2022).**

S. Goodwin opened the public hearing at 6:05pm by reading the public hearing notice as published in *The Lowell Sun* on January 4, 2023, and January 11, 2023. The applicant is seeking a Variance pursuant to Ayer Zoning Bylaw Section 5.2 Table of Use Regs. Section 5.14 to allow an automotive repair establishment in the Light Industrial District pursuant to Article 3.2 (B)(2).

Attorney Thomas Gibbons representing Tannery Crossing, LLC, presented along with the John and Mike Gervais, the owners of Tannery Crossing, LLC and Gervais Ford. Also present is Mike Gould, the Master Service Technician for Gervais Ford, and who will be in charge of the garage at 11 Tannery St.

T. Gibbons gave a brief overview of the history of the property and the proposed use. The property is in the Light Industrial District, where automobile repair is not allowed. Gervais Ford has been in business for nearly 62 years and employee many town residents. The company has seen increased use of their Service Center since the end of the pandemic. In 2016 Tannery Crossing, LLC purchased the property with the intention of using the space to expand their business. He noted that in the 1990s Gervais Ford leased the property from the previous owner to be used as car repair service center. Tannery Crossing leased the property to a recycling

company, who left the property in a less than ideal state. The recycling company has since left, and the property has been cleaned.

T. Gibbons explained that the lot is long and narrow, and the only direct abutter is the railroad. The shape of the property and the location of the garage allow for a good flow of vehicles through the building.

J. Ellis asked why the house that is seen on the property is not depicted in the presented drawings.

T. Gibbons explained that the house is labeled "office" and has not been used as a house since the 1990s.

S. Goodwin noted that the structure does look like a residential house.

T. Gibbons further explained that the area is used as and will continue to be used as office space.

T. Gibbons concluded his presentation by explaining that by enforcing the current bylaw would result in a hardship, such as preventing the property from used for which it was purchased. It would also prevent the growth of the business. Also given the shape of the property there are limited uses of this property, and many of which would necessitate the use of tractor trailers. By granting this variance a local company is able to grow and it prevents any possible other uses causing detriment to the neighborhood.

A letter by Nick Gibbons of 22 Forest Street, was submitted in support of this project.

S. Goodwin asked what the hours of operation would be.

M. Gervais explained the hours would be 7:00am to 5:00pm in weekdays.

S. Goodwin asked what kind of signage would be on the property.

T. Gibbons noted all signage would satisfy the Town's sign bylaw.

J. Ellis asked if there would be a limit as to how many vehicles will be on the property at one time.

T. Gibbons explained that the vehicles would be contained to the property and none would be parked on the street.

J. Ellis asked if there would be any customers on the site.

T. Gibbons noted that there would be no customers, and that the staff would drive the vehicles to the site.

J. Gugino asked if a Site Plan Review was needed.

T. Gibbons offered to discuss that with the Town Planner.

S. Goodwin did not believe it was required.

M. Gibbons was pleased that the staff would be bringing the vehicles to the site. He also asked if there would be any sales done at this location.

T. Gibbons noted that there would be no sales at this location.

Pauline Conley, an Ayer resident, voiced her support of this variance and believes that the site will be improved.

**Motion:** M. Gibbons made a motion to grant a Variance pursuant to Ayer Zoning Bylaw Section 5.2 Table of Use Regs. Section 5.14 to allow an automotive repair establishment in the Light Industrial District pursuant to Article 3.2 (B)(2).

Seconded J. Ellis

**Roll Call Vote:** M. Gibbons, aye; J. Gugino, aye; John Ellis, aye; S. Goodwin, aye.

**Motion Passed (4-0)**

**Motion:** S. Goodwin made a motion to close the hearing of Tannery Crossing, LLC at 6:22pm.

Seconded by M. Gibbons

**Roll Call Vote:** M. Gibbons, aye; J. Gugino, aye; John Ellis, aye; S. Goodwin, aye.

**Motion Passed (4-0)**

**Motion:** M. Gibbons made a motion to accept the meeting minutes of December 21, 2022.

Seconded by J. Gugino

**Roll Call Vote:** M. Gibbons, aye; J. Gugino, aye; John Ellis, aye; S. Goodwin, aye.

**Motion Passed (4-0)**

**Motion:** J. Ellis made a motion to adjourn the meeting.

Seconded by M. Gibbons.

**Roll Call Vote:** M. Gibbons, aye; J. Gugino, aye; John Ellis, aye; S. Goodwin, aye.

**Motion Passed (4-0)**

**Meeting Adjourned at 6:26pm**

Minutes Submitted by Samantha Benoit, Administrative Coordinator

Date Minutes Approved by the ZBA: March 15, 2023

Signature of ZBA Clerk, Indicating Approval: Samuel A. Goodwin Jr.