

RECEIVED
TOWN CLERK
TOWN OF AYER

2014 NOV -7 PM 12: 39

Town of Ayer
Zoning Board of Appeals
Training Room – Ayer Fire Station
1 West Main Street
Ayer, MA 01432



Wednesday November 12, 2014
Open Session Meeting Agenda

- 7:00pm Call to Order
Announcements
- 7:05pm Public Input
- 7:10pm Public Hearing Continuance from October 8, 2014 - Variance
1. 126 West Main Street (Filed 7/18/14)
- 7:30pm Public Hearing – Special Permit
1. 39 Central Avenue (Filed 9/19/14)
- 7:40pm* Approval of Minutes
August 21, 2014; October 8, 2014; November 3, 2014
- 7:45pm New Business
- 8:00pm Scheduling of Next Meeting
1. Suggested Meeting Date 12/10/14 (Second Wednesday of the month)
- 8:05pm Adjournment

**Note: Agenda Times are for planning purposes only and do not necessarily constitute exact times.*

RECEIVED
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TOWN OF AYER

2014 JUL 18 AM 11:43

Thomas A. Gibbons, Esq.
tgibbons@tgibbonslaw.com
Licensed to practice in MA & NH

Law Office of Thomas A. Gibbons, PC.

www.tgibbonslaw.com

21 Park Street
Ayer, MA 01432

Victoria Horan, Esq.
vhoran@tgibbonslaw.com
Licensed to practice in MA & NH

Telephone: 978-772-2284
GENERAL FAX: 978-772-0802

Richard Cody, Esq.
rcody@tgibbonslaw.com
Licensed to practice in MA

July 18, 2014

Susan Copeland, Town Clerk
Ayer Town Hall
1 Main Street
Ayer, MA 01432

RE: 126 West Main Street, Ayer

Dear Ms. Copeland,

Pursuant to MGL Ch 40A § 15, please accept for filing on behalf of the Ayer Zoning Board of Appeals, the application for Rengard, LLC of Ayer, Massachusetts for a variance for lot area at 126 West Main Street, Ayer, Massachusetts. As such please find attached the following documentation:

- An original completed application for a hearing for the Town of Ayer Zoning Board of Appeals and a copy of the same,
- A check in the amount of One Hundred Sixty Five Dollars (\$165.00),
- A check in the amount of Seventy Four Dollars (\$74.00)
- 7 copies of a certified plot plan/Zoning Variance Plan
- A certified list of abutters and the completed certified mail documents for each abutter with postage thereon.

Also attached for reference, please find three potential proposed plans for the erection of such a dwelling on the above-mentioned property.

Plan 1 --Proposes a garage is added to the existing dwelling unit and attached to the existing dwelling unit's garage is a second dwelling unit. The two units would be attached via the garages. This plan does not require a variance.

Plan 2 -- Proposes the existing dwelling unit be connected to the second dwelling unit by a breezeway with parking located in the rear and between the two dwellings. This plan does not require a variance.

Plan 3 --Proposes the existing dwelling unit remain unchanged and a second dwelling unit to be located in the rear of the property. **This is the preferred plan and does**

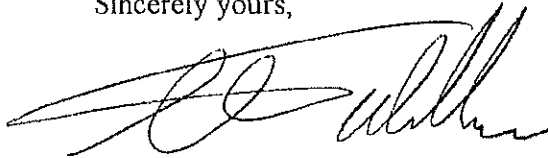
require a variance.

My client would like to move forward with Plan 3 however, a zoning variance would be required for this plan due to insufficient lot sizes. Please see the chart below for the zoning requirements.

Zoning District: General Residence	Requirement	Provided Lot 1	Provided Lot 2
Lot Area	10,000 S.F	6412 S.F	8108 S.F.
Frontage	100'	157.56'	182.99'
Front yard	20'	4' existing	20' min.
Side yard	10'	27' 20' to entry	11'
% lot covered	30% max	22%	24%

We respectfully request permission to appear before the Zoning Board to discuss this application. If you have any questions or concerns regarding these matters, please do not hesitate to contact me.

Sincerely yours,



Thomas A. Gibbons, Esq.

Enclosures
TAG/jc

Town of Ayer
ZONING BOARD OF APPEALS
APPLICATION FOR A HEARING

Notes to the Petitioner:

1. All applications for a hearing must be received by the Ayer Zoning Administrator/ Office Manager and accompanied by:
 - (6) copies of a registered engineered drawing (size 8 ½ x 11 or 11 x 17),
 - Certified list of abutters within 300 feet of the premise and certified by the Town of Ayer Board of Assessors. (all certified mail documents receipts are to be given with the application and **mailed by applicant with an abutters notice**)
2. The application, when completed and signed, must be filed with a non-refundable application fee of one hundred-sixty five dollars (\$165.00) and a legal ad fee of seventy four dollars (\$ 74.00). Both checks should be made payable to the "Town of Ayer".
3. The ZBA shall duly post and conduct a public hearing within 65 days of receiving a completed application and render a decision within 14 days of the close of the Public Hearing. The applicant must wait the appeal period (20 days) after filing the decision with the Town Clerk. The decision, or notice thereof, must be filed by the applicant, at the South Middlesex County Registry of Deeds in Cambridge. Prior to obtaining a building permit, the applicant must present evidence of Registry filing to the Building Inspector and ZBA. This evidence may be a receipt from the Registry with an Instrument number or proof of the Book and Page assigned.

Name of Applicant: Rengard, LLC
PO Box 664, Ayer, MA (Full Name)
Ayer, MA 01432 (Address)

Phone Number c/o Law Office of Thomas A. Gibbons, P.C.
978-772-2284

Applicant is (check one) Owner Tenant Licensee Prospective Buyer

The name and address of each holder or legal title to the land which is the subject of this petition (list as it appears on the Deed) Rengard, LLC, PO Box 664, Ayer, MA 01432

Location of Property 126 West Main Street, Ayer, MA 01432

Assessor's Map 025 Parcel 13 Land Size 0.33 acres

Zoning District (circle one) A-1 A-2 GR GB DB LI HI

Registry of Decds Book 63757 Page 523

Water Overlay District (circle one) Zone I Zone II N/A

The undersigned hereby petitions the Town of Ayer Zoning Board of Appeals to vary the terms of the Zoning Bylaws for the following purpose:

X A VARIANCE from the requirements of the Town of Ayer Zoning Bylaws

_____ A SPECIAL PERMIT for a specific use which is subject the approval of the Zoning Board of Appeals (For Home Occupations see Page 3 of this Form)

_____ A SPECIAL PERMIT to expand, alter, or change a non-conforming use or structure.

_____ ADMINISTRATIVE APPEAL (i.e. Building Inspector Decision)

_____ Other (Please specify):

Did you request a building permit from the Town of Ayer Building Inspector? No
Yes/No

If you were denied a permit, please attach a copy of the decision or state the reasons for the denial. N.A.

State briefly the reasons for application:

Requesting a variance from lot size requirements
to create two lots from one existing lot which existing
lot has a single family home thereon. Proposed Lot 1 to
have 6,412 square feet. Proposed Lot 2 to have 8,109
square feet.

Date: 6/27/14

Signed by Maura E. Swart Manager
(Petitioner)

c/o Law Office of Thomas A. Gibbons, P.C.

(Street Address)
21 Park Street, Ayer, MA 01432

(Daytime Telephone Number)

c/o Law Office of Thomas A. Gibbons, P.C.
978-772-2284

Check List:

- Completed application
- Two checks made payable to "Town of Ayer" in the amount of \$165.00 & \$ 74.00.
- Six (6) copies of the certified plot plan (8 ½ x 11 or 11 x 17)
- List of abutters Certified by the Assessors office
- Completed certified mail documents (certified mailing to be done by applicant and copied to ZBA's Office Manager along with receipts before the scheduled Public Hearing)

Notification to Abutters

Name of Applicant: Rengard, LLC

Date of Public Hearing: _____

Address of property where activity is proposed: 126 West Main Street, Ayer, MA 01432

Explanation of activity:

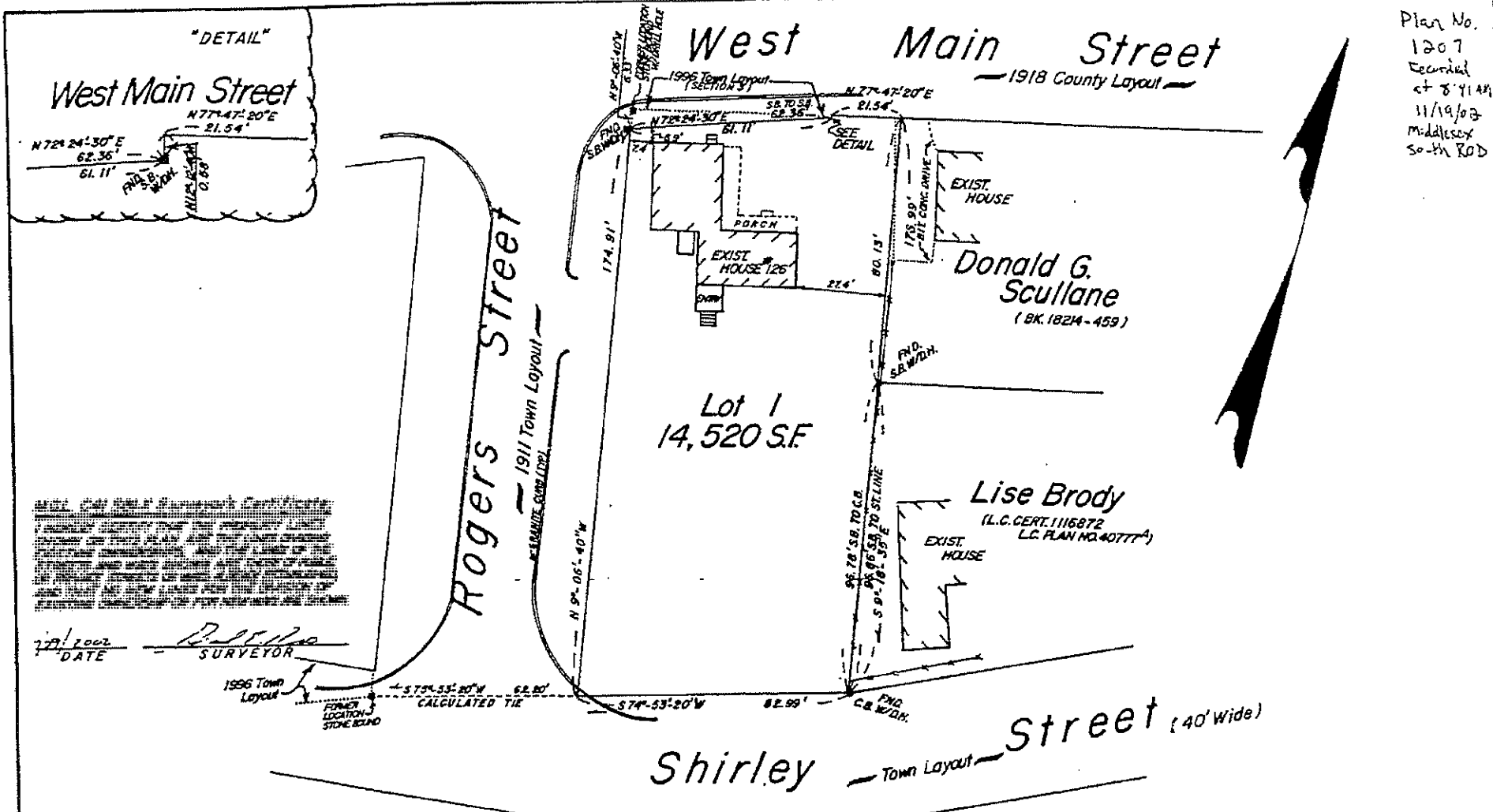
Requesting a variance from lot size requirements to create two lots from one existing lot which existing lot has a single family home thereon. Proposed Lot 1 to have 6,412 square feet. Proposed Lot 2 to have 8,109 square feet.

Copies of the application are available at the Ayer Town Hall/Clerk's Office Monday through Friday from 8:30AM-5:00PM.

Information regarding the time and date of the Public Hearing will be published in the Public Spirit Newspaper.

Notice of the Public Hearing including the time and date will be posted in the Ayer Town Hall 48 hours in advance.

Plan No.
1207
Recorded
at 8:41 AM
11/19/03
Middlesex
South ROB

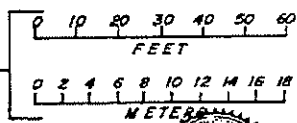


1996 Town Layout (SECTION 3)
 N 27° 47' 20" E 21.54'
 S 87° 05' 58" E 62.36'
 N 77° 24' 30" E 61.11'

7/21/2002 DATE
 [Signature] SURVEYOR

Ayer Planning Board
APPROVAL UNDER SUBDIVISION CONTROL LAW
NOT REQUIRED C 41 S 81-P
DATE:
See Surveyor's Certificate.

ZONING DISTRICT: General Residence.



I CERTIFY THAT THIS PLAN CONFORMS WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS

7/21/2002 DATE
 [Signature] SURVEYOR



PLAN OF LAND IN
Ayer, Mass.
 PREPARED FOR
Mary C. Gardner
 SCALE 1" = 20' JULY, 2002
David E. Ross Associates, Inc.
 CIVIL ENGINEERS
 LAND SURVEYORS
 ENVIRONMENTAL CONSULTANTS
 P.O. BOX 358-III FITCHBURG RD AYER, MASS 01432
 (TEL NO 978-772-6232)
 JOB NO. 17084 PLAN NO. M-5281

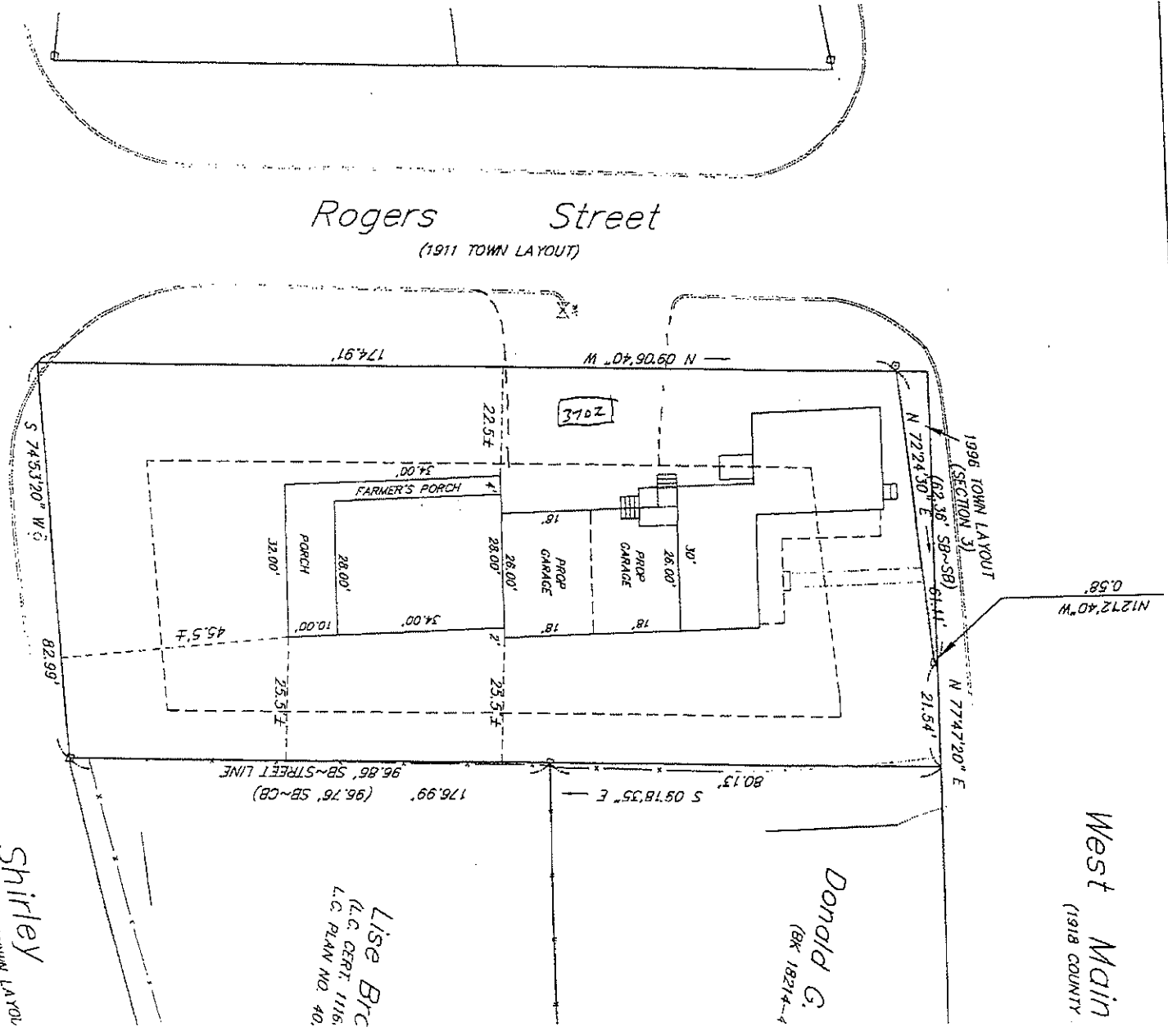
SURY' M.K.W.	CALC. M.K.W.	DRAFTED B.J.T.	CKD. M.K.W.	DEED BK. 6280-188
NS 440-34	REF. L-6121, M-2466, L-7303, M-1298, M-849			

WEST MAIN

Zone	District	General Residence
Required Lot Area (2 dwelling units)	13000 SF	14520 SF
Frontage	100	340.55'
Front Yard	20	22' (4 1/2' ex. h. dwelling)
Side Yard	10	25'
Rear Yard	25	N/A

BY 1/5/11

①



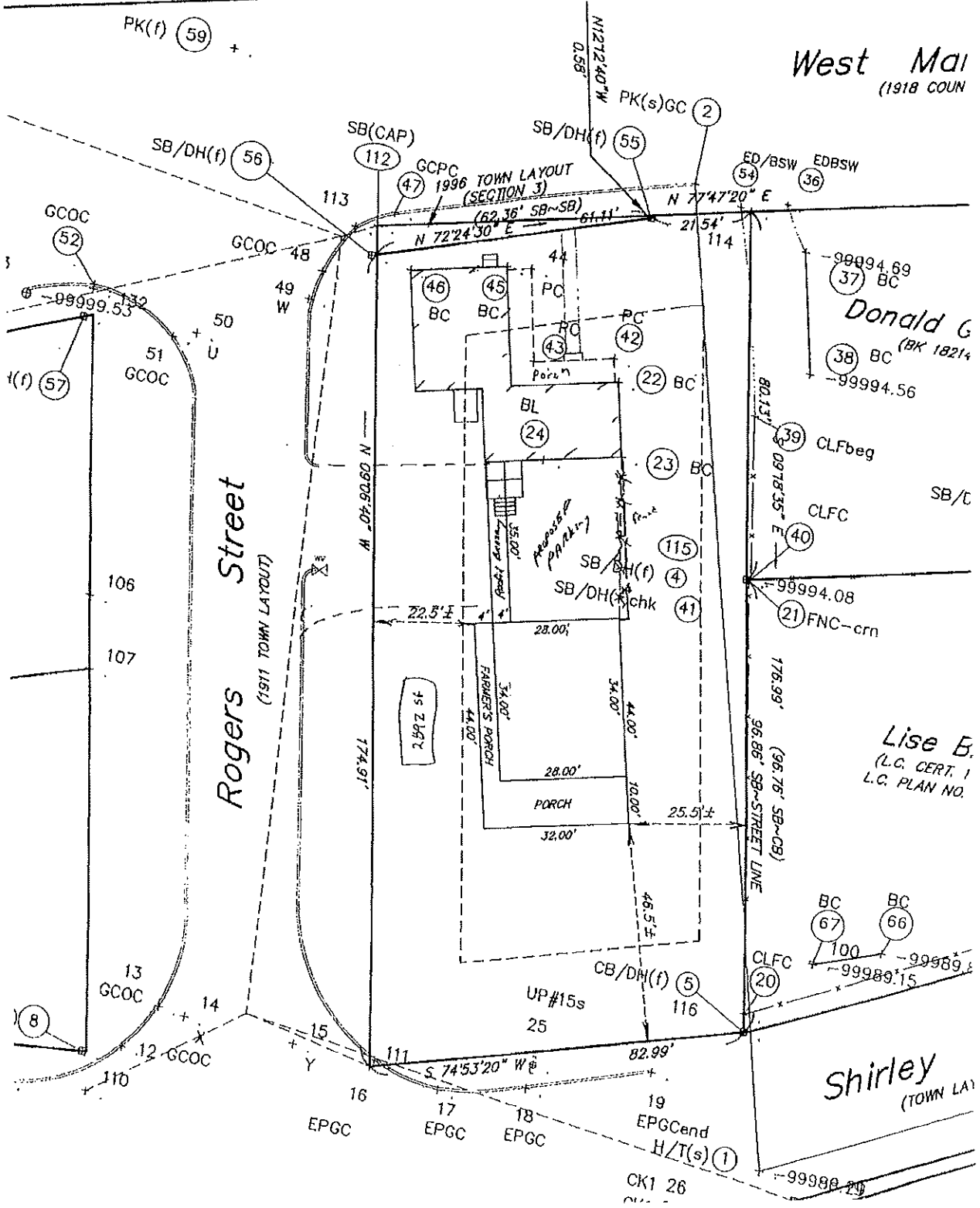
WEST MAI

Zoning	Dist. 1 General Residence	Project	14520
Required lot area (2 dwelling units)	13000 SF		
Frontage	100'	340.55	
Front yard	20'	22' (43' to exist. dwelling)	
Side yard	10'	25'	
Rear yard	25'	N/A	

2

By Right of
Contract

70 Lot Coverage P 3070 2070



West Mai
(1918 COUN)

Donald G
BC (BK 18214)

Lise E.
(L.C. CERT. 1
L.C. PLAN NO.)

Shirley
(TOWN LA)

WEST MAIR

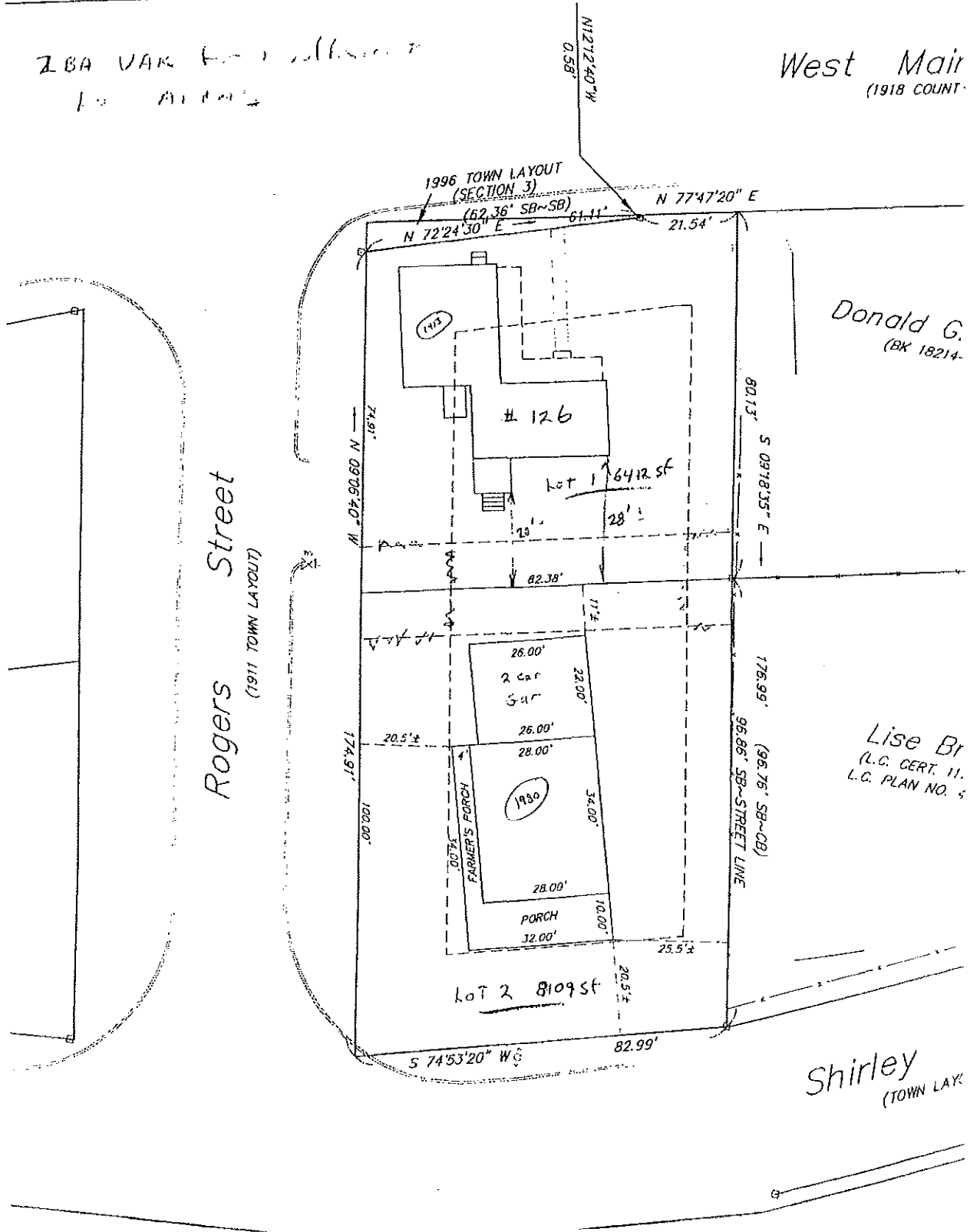
Zoning District: General Residence

		LOT 1	LOT 2
Required Lot AREA	10000 SF	6412	8108
Frontage	100'	157.56' max	182.99'
Front yard	20'	4' Existing	20' min
Side yard	10'	27'	11'
Rear yard	25'	(20' To Entry)	N/A
% Lot coverage	30% max	N/A	24%

3

ZBA VAR for [unclear] to [unclear]

West Mair
(1918 COUNT.)





Town of Ayer
Zoning Board of Appeals
Transmittal Form - Department Head Review

- BOS
- BOH
- DPW
- Police Dept.
- Fire Dept.
- Building Inspector
- Con Com

Review Deadline Date 9-11-14
 Public Hearing Date 9-15-14

Variance Special Permit Finding/Appeal

Title Rengard / 126 West main st Dated 7-18-14

Submitted by Rengard, LLC / Attorney Tom Gibbons

Address ANY Gibbons 201 Park St Telephone 772-2284

This plan is submitted for your review, comments, and recommendations. Please return to the Town Administrator's Office by the Review Deadline Date so that the Zoning Boards can consider your recommendation.

Approved Modifications Needed Disapprove

Comments: Reviewed. Deter to ZBA.

Signed Robert A. Petrucci

Title Town Administrator

Date 9/11/2014



Town of Ayer
Zoning Board of Appeals
Transmittal Form - Department Head Review

- BOS
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Review Deadline Date 9-11-14
 Public Hearing Date 9-15-14

Variance Special Permit Finding/Appeal

Title Rengard / 126 West main st Dated 7-18-14

Submitted by Rengard, LLC / Attorney Tom Gibbons

Address 126 West main st Telephone 772-2284

This plan is submitted for your review, comments, and recommendations. Please return to the Town Administrator's Office by the Review Deadline Date so that the Zoning Boards can consider your recommendation.

Approved Modifications Needed Disapprove

Comments: NO issues as long as the property on town sewer and town water

Signed Bridgeth Maloy Title Health Agent

Date 9/22/14



Town of Ayer
Zoning Board of Appeals
Transmittal Form - Department Head Review

- BOS
- BOH
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- Fire Dept.
- Building Inspector
- Con Com

Review Deadline Date 9-11-14
 Public Hearing Date 9-15-14

Variance Special Permit Finding/Appeal

Title Rengard / 126 West main st Dated 7-18-14

Submitted by Rengard, LLC / Attorney Tom Gibbons

Address ANY Gibbons / 851 Park St Telephone 772-2284

This plan is submitted for your review, comments, and recommendations. Please return to the Town Administrator's Office by the Review Deadline Date so that the Zoning Boards can consider your recommendation.

Approved Modifications Needed Disapprove

Comments:

Signed *Mark W. [Signature]*

Title DPW Supt

Date 9/8/14



Town of Ayer
Zoning Board of Appeals
Transmittal Form - Department Head Review

- BOS
- BOH
- DPW
- Police Dept.
- Fire Dept.
- Building Inspector
- Con Com

Review Deadline Date 9-11-14
 Public Hearing Date 9-15-14

Variance Special Permit Finding/Appeal

Title Rengard / 126 West main st Dated 7-18-14

Submitted by Rengard, LLC / Attorney Tom Gibbons

Address 126 Park St Telephone 772-2284

This plan is submitted for your review, comments, and recommendations. Please return to the Town Administrator's Office by the Review Deadline Date so that the Zoning Boards can consider your recommendation.

Approved Modifications Needed Disapprove

Comments:

Signed [Signature]

Title Chief of Police

Date 9/4/2014



Town of Ayer
Zoning Board of Appeals
Transmittal Form - Department Head Review

- BOS
- BOH
- DPW
- Police Dept.
- Fire Dept.
- Building Inspector
- Con Com

Review Deadline Date 9-11-14
 Public Hearing Date 9-15-14

Variance Special Permit Finding/Appeal

Title Rengard / 126 West Main St Dated 7-18-14

Submitted by Rengard, LLC / Attorney Tom Gibbons

Address ANY Gibbons 801 Park St Telephone 772-2284

This plan is submitted for your review, comments, and recommendations. Please return to the Town Administrator's Office by the Review Deadline Date so that the Zoning Boards can consider your recommendation.

Approved Modifications Needed Disapprove

Comments: No concerns from Fire Dept

Signed [Signature]

Title 9/4/14

Date Fire Chief



Town of Ayer
Zoning Board of Appeals
Transmittal Form - Department Head Review

- BOS
- BOH
- DPW
- Police Dept.
- Fire Dept.
- Building Inspector
- Con Com

Review Deadline Date 9-11-14
 Public Hearing Date 9-15-14

Variance Special Permit Finding/Appeal

Title Rengard / 126 West main st Dated 7-18-14

Submitted by Rengard, LLC / Attorney Tom Gibbons

Address ANY Gibbons 001 park st Telephone 772-2284

This plan is submitted for your review, comments, and recommendations. Please return to the Town Administrator's Office by the Review Deadline Date so that the Zoning Boards can consider your recommendation.

Approved Modifications Needed Disapprove

Comments: *I FEEL THAT OPTION 3, THE CREATION OF TWO LOTS, IS THE BETTER OF ALL THE PROPOSALS, AND WOULD RECOMMEND GRANTING THE REQUESTED 'VARIANCE'*
FUTURE CONSTRUCTION WILL REQUIRE A 'SECTION 6' FINDINGS FROM THE ZBO PRIOR TO CONSTRUCTION.

Signed *[Signature]*
 Date 2. Sep. 14.

Title Building Commissioner



Town of Ayer
Zoning Board of Appeals
Transmittal Form - Department Head Review

- BOS
- BOH
- DPW
- Police Dept.
- Fire Dept.
- Building Inspector
- Con Com

Review Deadline Date 9-11-14
 Public Hearing Date 9-15-14

Variance Special Permit Finding/Appeal

Title Rengard / 126 West main st Dated 7-18-14

Submitted by Rengard, LLC / Attorney Tom Gibbons

Address ANY Gibbons 001 Park St Telephone 772-2284

This plan is submitted for your review, comments, and recommendations. Please return to the Town Administrator's Office by the Review Deadline Date so that the Zoning Boards can consider your recommendation.

Approved Modifications Needed Disapprove

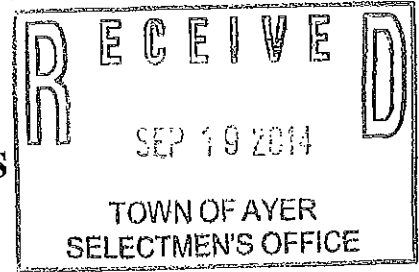
Comments:
non-jurisdictional

Signed [Signature]

Title Becky DaSilva-Conde
Conservation Administrator

Date 9/11/2014

**Town of Ayer
ZONING BOARD OF APPEALS
APPLICATION FOR A HEARING**



Notes to the Petitioner:

1. All applications for a hearing must be received by the Ayer Zoning Administrator/ Office Manager and accompanied by:
 - (6) copies of a registered engineered drawing (size 8 ½ x 11 or 11 x 17),
 - Certified list of abutters within 300 feet of the premise and certified by the Town of Ayer Board of Assessors. (all certified mail documents receipts are to be given with the application and **mailed by applicant with an abutters notice**)
2. The application, when completed and signed, must be filed with a non-refundable application fee of one hundred-sixty five dollars (\$165.00) and a legal ad fee of seventy four dollars (\$ 74.00). Both checks should be made payable to the "Town of Ayer".
3. The ZBA shall duly post and conduct a public hearing within 65 days of receiving a completed application and render a decision within 14 days of the close of the Public Hearing. The applicant must wait the appeal period (20 days) after filing the decision with the Town Clerk. The decision, or notice thereof, must be filed by the applicant, at the South Middlesex County Registry of Deeds in Cambridge. Prior to obtaining a building permit, the applicant must present evidence of Registry filing to the Building Inspector and ZBA. This evidence may be a receipt from the Registry with an Instrument number or proof of the Book and Page assigned.

Name of Applicant: Russell Dean R&L Stone
(Full Name)
39 Central Ave
(Address)
Ayer ma

Phone Number 978-2105-7852

Applicant is (check one) Owner Tenant Licensee Prospective Buyer

The name and address of each holder or legal title to the land which is the subject of this petition (list as it appears on the Deed) E. M. CENTRAL INC.

Location of Property 39 Central Ave

Assessor's Map 27 Parcel 100 Land Size 23,200SF

Zoning District (circle one) A-1 A-2 GR (GB) DB LI HI

Registry of Deeds Book 60845 Page 377

Water Overlay District (circle one) Zone I Zone II N/A

The undersigned hereby petitions the Town of Ayer Zoning Board of Appeals to vary the terms of the Zoning Bylaws for the following purpose:

 A VARIANCE from the requirements of the Town of Ayer Zoning Bylaws

✓ A SPECIAL PERMIT for a specific use which is subject the approval of the Zoning Board of Appeals (For Home Occupations see Page 3 of this Form)

✓ A SPECIAL PERMIT to expand, alter, or change a non-conforming use or structure.

 ADMINISTRATIVE APPEAL (i.e. Building Inspector Decision)

 Other (Please specify):

Did you request a building permit from the Town of Ayer Building Inspector? ✓
Yes/No

If you were denied a permit, please attach a copy of the decision or state the reasons for the denial. _____

State briefly the reasons for application:

The cutting And Fabrication of
Granite to be used For Kitchen and
bathroom counter tops.
per zoning bylaw section 7.7 table
S.D.

Date: 5/1/14

Signed by Paul Deane
(Petitioner)

39 Central Ave
(Street Address)

Check List:

(978)-265-7852
(Daytime Telephone Number)

- _____ Completed application
- _____ Two checks made payable to "Town of Ayer" in the amount of \$165.00 & \$ 74.00.
- _____ Six (6) copies of the certified plot plan (8 ½ x 11 or 11 x 17)
- _____ List of abutters Certified by the Assessors office
- _____ Completed certified mail documents (certified mailing to be done by applicant and copied to ZBA's Office Manager along with receipts before the scheduled Public Hearing)

Nashoba Valley

MARKETPLACE

Public Notice

Town of Ayer Zoning Board of Appeals Public Hearing Notice

The Ayer Zoning Board of Appeals will conduct a public hearing at 7:30pm on Wednesday November 12, 2014 in the Training Room of the Ayer Fire Station located at 1 West Main Street, regarding the application for a special permit by Russell Dean (R&L Stone) to cut and fabricate granite to be used for counter tops at 39 Central Ave. Application is pursuant to Ayer Zoning Bylaws, Section 4.4 Table 5.2.

October 24, 31, 2014

Public Notice

COMMONWEALTH OF MASSACHUSETTS

128 Trucks for Sale

For F-250 2003 Heavy Duty Pick up. Cab and half, 4WD, 8ft plow, 1 owner, low mileage. \$9000. Obo. Call 978-808-0976 Westford

510 Help Wanted General

Custom Projects Coordinator wanted for a successful growing B2B online store in Pepperell, MA (FT/PT)

Responsibilities incl:

- Working closely with customers through phone and email to understand their project requirements
- Entering customer orders into our point of sale system
- Accurately coordinating customer requirements

510 Help Wanted General

CUSTOMER SERVICE
position needed for busy plastics distribution office in Shirley, MA. (www.tpesinc.com) Excellent Microsoft Office (Excel) skills required. Quickbooks experience preferred. Competitive salary & benefits. Email resume to: jonas.angus@tpesinc.com

FIRE SPRINKLER LICENSED TECH

Experienced installation, testing and maintenance of fire sprinkler systems. Please indicate if you are a Licensed Journeyman. Fax Resume: 978-251-8643 Email:

740 Misc. for Sale

GLASSTOP COFFEE TABLE & 2 End Tables, \$75. CERAMIC FLOOR LAMP & Table Lamp, \$75. FLOOR LAMP & TABLE LAMP, \$50. Call 978-407-7097

Hobby sell out RC Model planes, \$25; Lowell 978-454-5633

Hot Tub, Truckload (16 of them) at 55% off! Incl cover & warranty. Great opportunity to own one cheap! Can deliver. 603-427-2001

740 Misc

Kitchen ca glazed! Never wood/dove to your kitchen sell \$1595. (

Large jewelry wood, doc \$10. Call 978-

MAHOAGA ROOM SET Table 86x Mint condition 978-47



SUBARU

Northend Mazda is G
Join

RECORD BREAK

** LIMITED OFFER TO JOIN A WIN



Town of Ayer
Zoning Board of Appeals
Transmittal Form - Department Head Review

X

BOS
BOH
DPW
Police Dept.
Fire Dept.
Building Inspector
Con Com
Tax Collector

Review Deadline Date 11/4/14
Public Hearing Date 11/12/14

RECEIVED

OCT 20 2014

TOWN OF AYER
SELECTMEN'S OFFICE

_____ Variance Special Permit _____ Finding/Appeal

Title R+L Stone Dated 9-19-2014

Submitted by Russell Dean

Address: 39 Central Ave Telephone 978-265-7852

This plan is submitted for your review, comments, and recommendations. Please return to the Town Administrator's Office by the Review Deadline Date so that the Zoning Board can consider your recommendation.

Approved _____ Modifications Needed _____ Disapprove

Comments:

Signed Robert A. Pothol

Title Town Administrator

Date 10/23/2014

BOH

Carly Antonellis

From: Ayer Board of Health <boh@ayer.ma.us>
Sent: Wednesday, November 05, 2014 9:32 AM
To: Carly Antonellis
Subject: RL Stone Paperwork

Hi Carley,
I thought I sent this to you already.
The BOH has no issues with RL Stone's plans at 29 Central Ave.

Jane Morriss
Administrative Assistant
Ayer Board of Health
jmorriss@ayer.ma.us
978-772-8213

-----Original Message-----
From: Bridgette Braley [<mailto:bbraley@nashoba.org>]
Sent: Thursday, October 30, 2014 12:52 PM
To: Ayer Board of Health
Subject: RE: Message from "RNP00267372113E"

I reviewed it and have no issues. :-)

--
Bridgette Braley R.S.
District Health Inspector
Nashoba Associated Boards of Health
978-772-3335 ex 303

-----Original Message-----
From: Ayer Board of Health [<mailto:boh@ayer.ma.us>]
Sent: Thursday, October 30, 2014 9:35 AM
To: Bridgette Braley
Cc: 'Pam Papineau'
Subject: FW: Message from "RNP00267372113E"

Good morning Bridgette,
Here's another request from the ZBA--this time for our input regarding a property located at 39 Central Ave.
Your opinion is due by November 4th.
Thanks Bridgette.

Jane Morriss
Administrative Assistant
Ayer Board of Health
jmorriss@ayer.ma.us
978-772-8213



Town of Ayer
Zoning Board of Appeals
Transmittal Form - Department Head Review

_____	BOS	Review Deadline Date	<u>11/4/14</u>
_____	BOH	Public Hearing Date	<u>11/12/14</u>
<u>X</u> _____	DPW		
_____	Police Dept.		
_____	Fire Dept.		
_____	Building Inspector		
_____	Con Com		
_____	Tax Collector		

_____ Variance ✓ Special Permit _____ Finding/Appeal

Title R+L Stone Dated 9-19-2014

Submitted by Russell Dean

Address: 39 Central Ave Telephone 978-265-7852

This plan is submitted for your review, comments, and recommendations. Please return to the Town Administrator's Office by the Review Deadline Date so that the Zoning Board can consider your recommendation.

X Approved _____ Modifications Needed _____ Disapprove

Comments: OK with me

Signed: [Signature] Title DPW Supt

Date 10/23/14



Town of Ayer
Zoning Board of Appeals
Transmittal Form - Department Head Review

- _____ BOS
- _____ BOH
- _____ DPW
- X _____ Police Dept.
- _____ Fire Dept.
- _____ Building Inspector
- _____ Con Com
- _____ Tax Collector

Review Deadline Date 11/4/14
 Public Hearing Date 11/12/14

_____ Variance Special Permit _____ Finding/Appeal

Title R+L Stone Dated 9-19-2014

Submitted by Russell Dean

Address 39 Central Ave Telephone 978-265-7852

This plan is submitted for your review, comments, and recommendations. Please return to the Town Administrator's Office by the Review Deadline Date so that the Zoning Board can consider your recommendation.

Approved _____ Modifications Needed _____ Disapprove

Comments:

Signed [Signature] Title Chief of Police

Date 10/23/14



Town of Ayer
Zoning Board of Appeals
Transmittal Form - Department Head Review

_____	BOS	Review Deadline Date	<u>11/4/14</u>
_____	BOH	Public Hearing Date	<u>11/12/14</u>
_____	DPW		
_____	Police Dept.		
<input checked="" type="checkbox"/>	Fire Dept.		
_____	Building Inspector		
_____	Con Com		
_____	Tax Collector		

_____ Variance Special Permit _____ Finding/Appeal

Title R+L Stone Dated 9-19-2014

Submitted by Russell Dean

Address: 39 Central Ave Telephone 978-265-7852

This plan is submitted for your review, comments, and recommendations. Please return to the Town Administrator's Office by the Review Deadline Date so that the Zoning Board can consider your recommendation.

Approved _____ Modifications Needed _____ Disapprove

Comments:

Signed *[Signature]*

Title Fire Chief

Date 10/23/14



Town of Ayer
Zoning Board of Appeals
Transmittal Form - Department Head Review

_____	BOS	Review Deadline Date	<u>11/4/14</u>
_____	BOH	Public Hearing Date	<u>11/12/14</u>
_____	DPW		
_____	Police Dept.		
_____	Fire Dept.		
<u>X</u>	Building Inspector		
_____	Con Com		
_____	Tax Collector		

_____ Variance Special Permit _____ Finding/Appeal

Title R & L Stone Dated 9-19-2014

Submitted by Russell Dean

Address: 39 Central Ave Telephone 978-265-7852

This plan is submitted for your review, comments, and recommendations. Please return to the Town Administrator's Office by the Review Deadline Date so that the Zoning Board can consider your recommendation.

_____ Approved _____ Modifications Needed _____ Disapprove

Comments: NO OBJECTIONS w/ THIS REQUEST.
APPLICANT DID NOT APPLY FOR A BUILDING PERMIT.
RATHER CAME IN TO ASK IF 'USE' WAS ALLOWED.

Signed [Signature]
Date 21 OCT 14

Title BUILDING COMMISSIONER



Town of Ayer
Zoning Board of Appeals
Transmittal Form - Department Head Review

_____ BOS
_____ BOH
_____ DPW
_____ Police Dept.
_____ Fire Dept.
_____ Building Inspector
X _____ Con Com
_____ Tax Collector

Review Deadline Date 11/4/14
Public Hearing Date 11/12/14

_____ Variance Special Permit _____ Finding/Appeal

Title R+L Stone Dated 9-19-2014

Submitted by Russell Dean

Address: 39 Central Ave Telephone 978-265-7052

This plan is submitted for your review, comments, and recommendations. Please return to the Town Administrator's Office by the Review Deadline Date so that the Zoning Board can consider your recommendation.

_____ Approved _____ Modifications Needed _____ Disapprove

Comments: Non-jurisdictional

Signed [Signature] Title _____

Date 10/29/2014



Town of Ayer
Zoning Board of Appeals
Transmittal Form - Department Head Review

_____	BOS	Review Deadline Date	<u>11/4/14</u>
_____	BOH	Public Hearing Date	<u>11/12/14</u>
_____	DPW		
_____	Police Dept.		
_____	Fire Dept.		
_____	Building Inspector		
_____	Con Com		
<u>X</u>	Tax Collector		

_____ Variance ✓ Special Permit _____ Finding/Appeal

Title R & L Stone Dated 9-19-2014

Submitted by Russell Dean

Address 39 Central Ave Telephone 978-265-7852

This plan is submitted for your review, comments, and recommendations. Please return to the Town Administrator's Office by the Review Deadline Date so that the Zoning Board can consider your recommendation.

X Approved _____ Modifications Needed _____ Disapprove

Comments: Upon ZBA approval Business Certificate should be filed with Town Clerk.

Signed Susan Copeland Title Town Clerk Tax Collector

Date 10/22/2014

[DRAFT]

Town of Ayer

Zoning Board of Appeals

Meeting Minutes For

Thursday, August 21, 2014

7:00pm Ayer Police Station – Community Room

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

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.

August 1, 2014

Zoning Board of Appeals
Town Hall
Ayer, Massachusetts 01432



Reference: Randolph & Baldwin Inc.
17 Bligh Street
Ayer, Massachusetts
EDC Job No.: 3400

Dear Board Members:

On behalf of Randolph Realty, LLC, owner and applicant of the above referenced project, we are herewith submitting a revised site development plan for your consideration. Randolph Baldwin has determined that the crane that they intended to install within the building would best serve their needs by dedicating an additional 20-foot of floor space within the planned addition. The net result would increase the building foot print to 80'x100' with the expansion extending into a section of the site that was already planned to be pavement and there would be about 950 sf. of additional pavement installed to allow for truck turning opposite the building. All this would continue to be contained within the original approved work limits (Erosion Control Barrier position remains unchanged) and the storm water collection and treatment system will be slightly extended and was originally over designed, thus the minor amount of additional pavement is easily collected and treated within the planned system limits.

With the Special Permit already constructively approved and recorded at the Middlesex Registry of Deeds the project is properly positioned to commence with construction. We are hopeful that the Board would view this revision as minor in scope and allowed it to proceed to construction without a formal waiver request and hearing. This modification will be further documented as part of the project as-built drawings when processing the Request for Occupancy Permit at project closeout. The Conservation Commission has already agreed to permit this minor Site Plan change. We continue to finalize our building permit application and would be most grateful for your support of this request and the building inspector will require that we provide written confirmation of your support should you be so inclined. Thank you for your consideration of this request.

Very truly yours,

ENGINEERING DESIGN CONSULTANTS, INC.

A handwritten signature in blue ink, appearing to read "Peter S. Bemis".

Peter S. Bemis

Town of Ayer
PLANNING BOARD

Town Hall • One Main Street • Ayer, MA 01432 • 978-772-8218 • 978-772-3017 (fax)



August 7, 2014

Peter Bemis
Engineering Design Consultants, Inc.
32 Turnpike Road
Southborough, Massachusetts 01772

Reference: 17 Randolph Baldwin
Bligh Street, Ayer, Massachusetts

Dear Mr. Bemis:

As requested in your letter dated August 1, 2014, the Planning Board finds that the proposed building addition and related site plan changes that you have proposed to be minor in scope and that the original approval granted on May 1, 2014 would still apply without need for any further public review.

Please supply the Planning Board with a copy of the Site As-built Plan at the completion of the project for our records.

Sincerely,

James T. Leachon / CHAIRMAN
Clerk for the Ayer Planning Board

Town of Ayer
Zoning Board of Appeals
Training Room – Ayer Fire Station
1 West Main Street
Ayer, MA 01432

Wednesday October 8, 2014
Meeting Minutes

This meeting was not recorded or broadcast by APAC

Board Members In Attendance: Jeremy Callahan, Chair; Howard Hall; Christa Maxant; Ron DeFilippo; Michael Gibbons, Alternate

Also in Attendance: Carly M. Antonellis, Assistant to the Town Administrator

Call to Order: The meeting was called to order at 7:02 PM.

Election of Clerk:

MOTION: Motion made by J. Callahan and seconded by H. Hall to appoint C. Maxant as Clerk of the Zoning Board of Appeals. **Motion passes 5-0.**

Community Development Block Grant Update: Mr. David Maher, Director of the Office of Community and Economic Development gave an update of the Community Development Block Grant process.

Public Input: Ms. Sheila Schwabe of 47C Longview Drive stated that she believes the change being proposed by the Willows is substantial in nature.

Public Hearing – Special Permit – 15 Littleton Road: The public hearing was opened at 7:17 PM for an application dated August 11, 2014 by Global Montello Group for a Special Permit to the use of a drive through window per the Zoning Bylaw Section 4.4 Table 1.4.16.

MOTION: Motion made by J. Callahan and seconded by K. Maxant to approve the application for a special permit to allow a drive through window per Zoning Bylaw Section 4.4 Table 1.4.16.

Motion passes 5-0. The public hearing was closed at 7:27 PM.

Public Hearing – Variances – 15 Littleton Road: The public hearing was opened at 7:28 PM for an application dated August 11, 2014 by Global Montello Group for four (4) variances:

- 1) A variance is required from section 5.11 to allow a 24' spacing between the retail fuel dispenser islands where 30' is required.
- 2) A variance is required from Section 5.11 to allow 14' spacing between the diesel fuel dispenser islands where 30' is required.
- 3) A variance is required from Section 8.4.1 to allow a sign larger than 40 square feet and higher than 15'.
- 4) A variance is required from section 5.11 to allow 49' to the retail fuel canopy where a 75' setback is required

Michael Piecewicz of 29 Markham Circle spoke against the application sighting noise and light concerns.

Barbara Wilson of 26 Littleton Road spoke about her concerns with the proposed lighting.

Jason Langlais of 6 Myrick Street spoke about the potential negative impact the project would have on the neighborhood.

Matthew King of 21 Willard Street spoke in opposition of the project.

Richard Skoczylas of 17 Markham Circle spoke against the size of the proposed sign, stating he thought it was too large.

The applicant asked for a 5 minute recess at 8:19 PM.

The applicant asked to withdraw their application for four (4) variances.

MOTION: Motion made by J. Callahan and seconded by M. Gibbons to accept the withdrawal of the application, without prejudice. **Motion passes 5-0.** The public hearing was closed at 8:24 PM.

M. Gibbons recused himself for the next two items on the agenda (19 Fitchburg Road and 126 West Main Street) because the applicants are being represented by his uncle, Tom Gibbons.

Public Hearing - Variance – 126 West Main Street: The hearing was opened at 8:28 PM for the application dated July 18, 2014 by Rengard, LLC for a variance from lot size requirements.

The applicant asked for an extension of the public hearing until November 12, 2014 at 7:00 PM at the Ayer Fire Station.

MOTION: Motion made by J. Callahan and seconded by H. Hall to agree to extension request of the public hearing until November 12, 2014. **Motion passes 3-1.** The public hearing was closed at 8:34 PM.

Public Hearing - Variance – 19 Fitchburg Road: The public hearing was opened at 8:35 PM for an application dated August 25, 2014 by Hunt RE Acquisitions, LLC for four (4) variances:

- 1) A variance from Section 3.3.2.2 (d)(3)(b) and Section 5.12 of the Ayer Zoning Bylaw to allow a side yard setback of 14' where 25' is required on the North Westerly side of the property.
- 2) A variance from Section 6.1 of the Ayer Zoning Bylaw allowing for a total of 28 parking stalls where 42 are required.
- 3) A variance from Section 6.3(c) of the Ayer Zoning Bylaw allowing for parking stalls of 9' feet by 18' where 10' by 20' feet is required.
- 4) A variance from Section 6.3(d) allowing for a 0' offset of parking stalls from the South Easterly side of the proposed building where 10' is required.

J. Callahan read a letter dated September 11, 2014 from Family Dollar, which outlined the need and their support for the variances.

H. Hall inquired about the wetlands buffer zone. The developer will be working with the Conservation Commission on this issue.

Mr. Jay Veasie of 22 Groton School Road had a question relative to setbacks.

MOTION: Motion made by J. Callahan and seconded by H. Hall to grant Variance #1 relative to side yard setback. **Motion passed 4-0.**

MOTION: Motion made by J. Callahan and seconded by C. Maxant to grant Variance #2 relative to number of parking stalls. **Motion passed 4-0.**

MOTION: Motion made by J. Callahan and seconded by H. Hall to grant Variance #3 relative to size of parking stalls. **Motion passed 4-0.**

MOTION: Motion made by J. Callahan and seconded by C. Maxant to grant Variance #4 relative to offset of parking stalls. **Motion passed 4-0.** The public hearing was closed at 9:06 PM.

C. Maxant recused herself for the next agenda item. (53 Willard Street) because her father is an abutter to the property.

Public Hearing – Appeal – 53 Willard Street: The public hearing was opened at 9:07 PM.

J. Callahan read the Cease and Desist Order from the Building Commissioner dated 8/12/14 addressed to property owner Charles Sortino. Mr. Sortino is appealing the Cease & Desist Order.

Mr. Sortino is appealing the decision by the building commissioner, which states in relevant part:

“you are hereby ordered to remove all fencing on town property. Further, you are ordered to remove the first section of full height fence on the property line and replace it with a lower section of fence so as to insure proper line of sight.”

Several residents spoke in favor and in opposition of the request.

MOTION: Motion made by J. Callahan and seconded by R. Defillipo to deny the appeal of Mr. Charles Sortino. **Motion passed 3-1.** The order from the Building Commissioner will stand. The public hearing was closed at 9:26 PM.

J. Callahan recused himself for the next two items on the agenda (Willows Bond Reduction and Willows Request for Non Substantial Change) because his sister is a resident of the Willows.

Bond Reduction Request – The Willows: R. Defillipo read a letter from DPW Superintendent M. Wetzel dated October 3, 2014 recommending a bond reduction for the Willows in the amount of \$147,520. There is a balance of \$251,257 remaining, including a contingency of \$23,729.

MOTION: Motion made by R. Defillipo and seconded by M. Gibbons to reduce the Bond for the Willows in the amount of \$147,520. **Motion passed 4-0.**

Request for “Non Substantial Change” – The Willows: Mr. Mark O’Hagan from MCO & Associates was present and was requesting that the change The Willows is seeking to make be deemed insubstantial in nature. The changes requested are to:

- 1) Relocate #56-58 to avoid area of poor soil
- 2) Relocate #87 in order to avoid area of poor soil
- 3) Adjust location of #88 to correct alignment with street

Mr. Duncan Brown of 47B Longview Circle stated that a group of residents from the Willows had formed Ad Hoc Committee.

Ms. Sheila Schwabe of 47C Longview Circle had objections because she is on an end unit and was led to believe that no other units would be going in beside her.

Ms. Martha Dudley of 47A Longview Circle spoke in opposition of the project.

MOTION: Motion made by M. Gibbons and seconded by C. Maxant to deem the project insubstantial in nature. **Motion failed 2-1-1.** A Public Hearing will be setup within 30 days.

MOTION: Motion made by J. Callahan and seconded by H. Hall to adjourn at 10:46 PM. **Motion passed 5-0.**

Minutes recorded and submitted by Carly M. Antonellis, Assistant to the Town Administrator

ZBA Approval Date: _____

ZBA Clerk: _____

DRAFT

Town of Ayer
Zoning Board of Appeals
Training Room – Ayer Fire Department
1 West Main Street
Ayer, MA 01432



Monday November 3, 2014
Open Session Meeting Minutes

This meeting was recorded by APAC

Present: Jeremy Callahan, Chair; Christa Maxant, Clerk; Howard Hall; Sam Goodwin; Michael Gibbons

Absent: Ron DeFillipo

Call to Order: The meeting was called order at 7:05 PM by J. Callahan.

J. Callahan recused himself because his sister is a resident at the Willows.

Public Hearing – Request for Modification of Comprehensive Permit – “The Willows”: C. Maxant read the hearing notice which ran in the Lowell Sun on October 20, 2014 and October 27, 2014.

Mark O’Hagan from MCO & Associates, Inc. gave an overview of the proposed modification.

H. Hall asked about storm water run-off. Ross and Associates gave an overview of the run-off management.

S. Goodwin asked about previous soil testing that had been done. M. O’Hagan stated that there was a large swath of clay material that would make it unsuitable for building that was not identified in previous soil testing.

Mr. Robert Burns of 6 Longview Circle asked questions about the project relative to the location of the buildings.

Ms. Sheila Schwabe of 47C Longview Circle stated that she bought her unit due to the promise nothing would be built next door to her. She also stated that the proposed modification was not within the original work area.

R. Burns asked follow-up questions regarding storm water run-off.

Motion: Motion made by C. Maxant and seconded by M. Gibbons to approve the request for modification as presented by the MCO Associates on behalf of the Willows. **Motion passed 3-1.**

Motion: Motion made by J. Callahan and seconded by H. Hall adjourn at 7:45 PM.

Minutes Recorded and Submitted by Carly M. Antonellis

ZBA Approval Date: _____

ZBA Clerk: _____

DRAFT