

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



Wednesday August 17, 2016
Open Session Meeting Minutes

Recorded by APAC

Present: Sam Goodwin, Chair; Michael Gibbons, Vice – Chair; Ron Defilippo; John Ellis
Carly Antonellis, Assistant to the Town Administrator

Call to Order: S. Goodwin called the meeting to order at 6:03 PM.

Approval of Agenda:

Motion: A motion was made by J. Ellis and seconded M. Gibbons to approve the agenda. **Motion passed 4-0.**

Public Hearing – Application for Variance – Bonnet Realty, LLC. 49 Main Street (Filed July 20, 2016): S. Goodwin opened the public hearing at 6:05 PM by reading the Public Hearing Notice as advertised in the *Nashoba Valley Voice* on July 29, 2016 and August 5, 2016. The applicant is seeking a variance from Ayer Zoning Bylaw 3.3.2.1 C “Use Regulations” #11 to allow for residential unit(s) in the Downtown Business District.

Mr. Bob France, property owner, stated that the property was restored in 2011; there is a unit in the rear of the building that has been vacant since that time after several attempts to list the property with commercial brokers. The issue is that though the property is located on Main Street, the rear unit, approximately 1,000 square feet, has access only on Pleasant Street. He would like to convert the unit to rental, similar to the units on the floors above.

R. Defilippo expressed concern about losing the character of the downtown.

J. Ellis stated that though the property is technically on Main Street, he would consider it a Pleasant Street property.

S. Goodwin said he thinks the project stands on its own merit because of the inability to rent it as a commercial unit due to lack of Main Street access.

Board members discussed restricting the residential use to the rear unit to prevent residential use on the first floor of Main Street.

Motion: A motion was made by M. Gibbons and seconded by R. Defilippo to approve the request for variance as requested restricting residential use to the rear unit of the building, approximately 1,000 square feet, with entrance only on Pleasant Street. **Motion Approved 4-0.**

Motion: A motion was made by M. Gibbons and seconded J. Ellis to close the public hearing at 6:20 PM. **Motion passed 4-0.**

Public Hearing- Application for Variance – Taylor, Timothy 33 Nashua Street (Filed July 21, 2016). S. Goodwin opened the public hearing at 6:21 PM by reading the Public Hearing Notice as advertised in the *Nashoba Valley Voice* on July 29, 2016 and August 5, 2016. The applicant is seeking a Section 6 Finding and variance from Ayer Zoning Bylaw 3.3.1.2.d.3.c “Rear Set Back” to allow for 9’2” where 25’ required and from 3.3.1.2.d.4.d “Maximum Building Coverage” to allow for 31% where 25% is the maximum allowed for the construction of a second bay on an existing garage. The Chair acknowledged that the original hearing notice mentioned the wrong requested variance citation and the aforementioned are correct.

Mr. Tim Taylor, property owner, stated that he recently retired and got married and moved into his wife’s home on Nashua Street. Due to his retirement he would like to build a second bay onto the existing garage for a hobby woodworking shop.

Mr. Tim Johnston, Wachusett Avenue Extension, whom is a direct abutter, stated that he was in support of the request.

M. Gibbons stated that he was inclined to grant the variance because the neighbors were in support of the application.

Motion: A motion was made by M. Gibbons and seconded by J. Ellis to grant the variances from Ayer Zoning Bylaw 3.3.1.2.d.3.c “Rear Set Back” to allow for 9’2” where 25’ required and from 3.3.1.2.d.4.d “Maximum Building Coverage” to allow for 31% where 25% is the maximum allowed for the construction of a second bay on an existing garage and finds that the petition may be granted without substantial detriment to the neighborhood. **Motion passed 4-0.**

Motion: A motion was made by M. Gibbons and seconded by J. Ellis to close the public hearing at 6:55 PM. **Motion passed 4-0.**

Approval of Meeting Minutes:

Motion: A motion was made by S. Goodwin and seconded by J. Ellis to approve the meeting minutes of July 20, 2016. **Motion passed 4-0.**

Appointment of Clerk:

Motion: A motion was made by M. Gibbons and seconded by S. Goodwin to appoint R. Defilippo as Clerk of the ZBA. **Motion passed 4-0.**

Adjournment:

Motion: A motion was made by J. Ellis and seconded by M. Gibbons to adjourn at 7:04 PM. **Motion passed 4-0.**

Minutes Recorded and Submitted by Carly M. Antonellis

Date Minutes Approved by ZBA: 11/16/16

Signature of Clerk Indicating Approval: 