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



Broadcast on Zoom and by APAC

**Wednesday December 16, 2020
Remote Participation Open Session Meeting Minutes**

Remotely 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.

COVID-19 Order: S. Goodwin stated that pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, MGL Chapter 30A, Section 18 and the Governor's March 15, 2020 Order imposing strict limitations on the number of people that may gather in one place, this meeting of the Ayer Zoning Board of Appeals is being conducted via remote participation. No in-person attendance of members of the public will be permitted, but every effort has been made to ensure that the public can adequately access the proceedings as provided in the Order. All votes will be taken by Roll Call.

Approval of Meeting Agenda: A motion was made by M. Gibbons and seconded by J. Ellis to approve the agenda as posted. **Roll Call Vote:** S. Goodwin, aye; M. Gibbons, aye; J. Gugino, aye; R. Defilippo, aye; J. Ellis, aye. **Motion passed by Roll Call Vote 5-0.**

Public Hearing - Application for Variance – Richard Simpson, Jr. - 38 Washington Street (Filed 11/18/20): S. Goodwin open the public hearing at 6:02 PM by reading the Public Hearing Notice as advertised in the *Nashoba Valley Voice* on November 27, 2020 & December 4, 2020. Applicant is seeking a variance pursuant to Ayer Zoning Bylaw (2019, as amended) Section 6.2, Dimensional Requirements to allow for 8,077 sq. ft. lot where 10,000 sq. ft. is required in the GR District. Kevin Conover from David E. Ross and Associates was representing the applicant.

S. Goodwin stated in reading the packet materials, he noticed a review from Mr. Alan Manoian, Director of Community and Economic Development. S. Goodwin stated that while he appreciated the feedback, the ZBA's scope is very limited to the square footage request in front of them. S. Goodwin then stated that there was no such thing as historical district that was referenced in Mr. Manoian's review.

Kevin Conover stated that the total lot size was approximately 18,000 sq. ft. Mr. Conover's client is looking to split his lot in two, thereby requiring the requested variance (lot size in that GR is 10,000 sq. ft.). He noted that the neighborhood is densely populated; and the average lot close to downtown is about 7,600 sq. ft. He feels that this request is consistent with the neighborhood. He explained that the request will then go to the Planning Board for their consideration of an ANR lot endorsement.

S. Goodwin asked what the hardship was. K. Conover stated that the inherent lot size of 18,000 sq. ft. is the hardship.

Dennis Curran, 51 Pleasant Street stated that in essence the lot is too big. S. Goodwin stated that Mr. Curran's comments were semantics and reminded the ZBA that we are not here for a use variance but rather a dimensional variance.

Michael Halal, 47 Pleasant Street had questions relative to which type of dwelling it being proposed. S. Goodwin stated that the type of dwelling is out of the scope of the ZBA at this point. S. Goodwin stated that if successful, the applicant would have to adhere to all other Zoning Bylaw requirements as reviewed by the Building Commissioner.

Dennis Curran asked how tall the structure was going to be and the proposed parking. S. Goodwin stated that it was out of the ZBA's purview.

Susan and Bob Williams, 8 Nashua St. asked what the minimum square footage would need to be of the dwelling if approved. C. Antonellis stated she is not aware of a minimum square footage of a single-family residence and would consult with the Building Commissioner.

Ms. Kristen Morico, 28 Pleasant Street spoke in favor of the request.

Michael Halal spoke about his concerns with the neighborhood density.

There was further general discussion about the request. Michael Halal stated that its difficult to make a determination about supporting the project as he does not know the proposed use.

Motion: A motion was made by M. Gibbons and seconded by J. Gugino to approve the variance pursuant to Ayer Zoning Bylaw (2019, as amended) Section 6.2, Dimensional Requirements to allow for 8,077 sq. ft. lot where 10,000 sq. ft. is required in the GR District. **Roll Call Vote:** S. Goodwin, aye; M. Gibbons, aye; J. Gugino, aye; R. Defilippo, no; J. Ellis, aye. **Motion passed by Roll Call Vote 4-1.**

Close Public Hearing: A motion was made by S. Goodwin and seconded by M. Gibbons to close the Public Hearing at 6:33 PM. **Roll Call Vote:** S. Goodwin, aye; M. Gibbons, aye; J. Gugino, aye; R. Defilippo, aye; J. Ellis, aye. **Motion passed by Roll Call Vote 5-0.**

Public Hearing - Application for Variance – Matthew and Synath DeLorie - 114 Pleasant Street (Filed 11/19/20): S. Goodwin open the public hearing at 6:32 PM by reading the Public Hearing Notice as advertised in the *Nashoba Valley Voice* on November 27, 2020 & December 4, 2020. Applicant is seeking a variance pursuant to Ayer Zoning Bylaw (2019, as amended) Section 6.3.G.2, to allow for accessory structures (pool and gazebo) to be closer to the front lot line than the front building line of the principal building on the lot. Ms. Synath "Nat" DeLorie was in attendance remotely.

Ms. DeLorie stated that when she is looking to put in an in-ground pool and gazebo. When she bought the house at 114 Pleasant Street, it was located on a dead-end street and a had a pool before. She stated that extension of Pleasant Street, due to newly constructed subdivision to the east, reconfigured the locus lot by making the side yard, now the front yard. She further stated that the lot is encumbered by an easement to the rear for the National Grid utility lines. The lot also contains wetlands; after meeting with the Conservation Administrator, she determined that the proposed location of the pool and gazebo is the best location.

ZBA members had no concerns.

Motion: A motion was made by J. Ellis and seconded by M. Gibbons to approve the variance pursuant to Ayer Zoning Bylaw (2019, as amended) Section 6.3.G.2, to allow for accessory structures (pool and gazebo) to be closer to the front lot line than the front building line of the principal building on the lot. **Roll Call Vote:** S. Goodwin, aye; M. Gibbons, aye; J. Gugino, aye; R. Defilippo, no; J. Ellis, aye. **Motion passed by Roll Call Vote 4-1.**

Close Public Hearing: A motion was made by S. Goodwin and seconded by M. Gibbons to close the Public Hearing at 6:45 PM. **Roll Call Vote:** S. Goodwin, aye; M. Gibbons, aye; J. Gugino, aye; R. Defilippo, aye; J. Ellis, aye. **Motion passed by Roll Call Vote**

Approval of Meeting Minutes:

Motion: A motion was made by S. Goodwin and seconded by J. Ellis to approve the meeting minutes from August 19, 2020 as written. **Roll Call Vote:** S. Goodwin, aye; M. Gibbons, aye; J. Gugino, aye; R. Defilippo, abstain; J. Ellis, aye. **Motion passed by Roll Call Vote 4-0-1.**

Adjournment:

Motion: A motion was made by S. Goodwin and seconded by J. Gugino to adjourn at 6:48 PM. **Roll Call Vote:** S. Goodwin, aye; M. Gibbons, aye; J. Gugino, aye; R. Defilippo, aye; J. Ellis, aye. **Motion passed by Roll Call Vote 5-0.**

Minutes Recorded and Submitted by Carly M. Antonellis, Assistant Town Manager

Date Minutes Approved by ZBA: 1/20/2021

Signature of Clerk Indicating Approval: Samuel A. Lundy
Electronic Signature of Chairman inserted by Direction due to COVID-19