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TOWN OF AYER
TOWN CLERK



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



Recorded by APAC

Wednesday February 16, 2022
Open Session Meeting Minutes

Present: Samuel A. Goodwin Jr., Chair; Michael Gibbons, Vice-Chair; John Ellis; Jess Gugino; Ron Defilippo, Clerk (Entered at 6:12 PM)

Also Present: Carly Antonellis, Assistant Town Manager

Call to Order: S. Goodwin called the meeting to order at 6:06 PM. He stated that due to the ongoing COVID-19 Pandemic, in accordance with Chapter 20 of the Acts of 2021, 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. S. Goodwin stated that all votes will be taken by Roll Call.

Approval of Agenda:

Motion: A motion was made by M. Gibbons and seconded by J. Gugino to approve the agenda. **By Roll Call Vote:** J. Gugino, aye; M. Gibbons, aye; J. Ellis, aye; S. Goodwin, aye. **Motion passed 4-0.**

Public Hearing - Application for Variance – Jeffrey & Andrea Greco - 37 Sandy Pond Road (Filed January 24, 2022): S. Goodwin opened the public hearing at 6:08 PM by reading the public hearing notice as advertised in the *Nashoba Valley Voice* on January 28, 2022 and February 4, 2022. The applicant is seeking a variance pursuant to Ayer Zoning Bylaw (2019, as amended) Section 6.2 to allow for 68.89 feet of frontage where 100' is required in the A2 District to raze current single-family home and construct new family home which will conform with all yard setback requirements. The ZBA was joined by Jeff and Andrea Greco, as well as Kevin Conover from David E. Ross Associates.

K. Conover stated that the existing lot has 69' feet of frontage. They wish to raze the existing house and built a new house further back on the lot. The new home will adhere to all the setback requirements, but they need a variance on the frontage requirement.

S. Goodwin asked if the lot was just subdivided? K. Conover stated that it was divided in September of 2021 under MGL c. 40A, sec. 81, which allows you to subdivide a lot with two structures, if they were in place prior to the implementation of zoning.

R. Defilippo entered at 6:12 PM.

M. Gibbons stated that this proposal will be a great improvement to the neighborhood, but the hardship was created in September when the applicant split the lot. K. Conover stated that the hardship was actually created in the 1950's when both the houses were built. He stated that the Planning Board approved the splitting of the lot in September. K. Conover stated that with two primary structures on one lot, you couldn't sell it because there is not a line division.

S. Goodwin asked why would you make such a small lot? He stated that there is no minimum lot size, and it relates to the current structure on Lot 1.

Building Commissioner Charlie Shultz stated that he did a lot of research on MGL 40A, sec. 81L. He is in favor of razing the current structure as it would be an improvement to the neighborhood.

J. Ellis stated that he has an aversion to making a non-conforming lot, more non-conforming. He had several follow-up questions about the lot subdivision. C. Shultz stated that by moving the house back on the lot, it'll actually become more conforming.

J. Gugino asked about the lot size and stated she was fine with the application, as it is an improvement to the neighborhood and does not increase density.

R. Defilippo said he hadn't studied the 81L statute and it was ok that we are moving in the conforming direction on this application.

S. Goodwin asked if there were any abutters?

Luanne Francis Picard, 39 Sandy Pond Road, stated she was very much in favor of moving the house back.

Pauline Conley, 40 Cambridge Street, stated she is not an abutter but very much in support of this application.

Motion: A motion was made by M. Gibbons and seconded by S. Goodwin to approve a variance pursuant to Ayer Zoning Bylaw (2019, as amended) Section 6.2 to allow for 68.89 feet of frontage where 100' is required in the A2 District to raze current single-family home and construct new family home which will conform with all yard setback requirements. **By Roll Call Vote:** J. Gugino, aye; M. Gibbons, aye; J. Ellis, aye; S. Goodwin, aye; R. Defilippo, aye. **Motion passed 5-0.**

Motion: A motion was made by S. Goodwin and seconded by J. Ellis to close the public hearing at 6:32 PM. **By Roll Call Vote:** J. Gugino, aye; M. Gibbons, aye; J. Ellis, aye; S. Goodwin, aye; R. Defilippo, aye. **Motion passed 5-0.**

Approval of Meeting Minutes:

Motion: A motion was made by S. Goodwin and seconded by J. Ellis to approve the meeting minutes from November 17, 2021. **By Roll Call Vote:** J. Gugino, aye; M. Gibbons, aye; J. Ellis, aye; S. Goodwin, aye; R. Defilippo, aye. **Motion passed 5-0.**

The Board discussed a new meeting date for March due to a scheduling conflict with an upcoming budget forum. If needed, the Board will meet on Wednesday March 23, 2022.

Adjournment:

Motion: A motion was made by S. Goodwin and seconded by M. Gibbons to adjourn at 6:36 PM. **By Roll Call Vote:** J. Gugino, aye; M. Gibbons, aye; J. Ellis, aye; S. Goodwin, aye. **Motion passed 4-0.**

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

Date Minutes Approved by ZBA: 5/18/2022

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