



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

**RECEIVED**  
SEP 27 2023  
TOWN OF AYER  
TOWN CLERK



**Wednesday, June 21, 2023**

**Remote Participation Open Session Meeting Minutes**

**Present:** Samuel Goodwin, Chair; Michael Gibbons, Vice-Chair; Ronald Defilippo, Clerk; Jess Gugino; Marylin Schmalenberger, Alternate Member

**Absent:** John Ellis

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

**Call to Order:** S. Goodwin called the meeting to order at 6:04pm. He stated that in accordance with Chapter 2 of the Acts of 2023, 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:** M. Gibbons made a motion to approve the agenda as written. Seconded by J. Gugino.

**Roll Call Vote:** M. Gibbons, aye; J. Gugino, aye; R. DeFilippo, aye; M. Schmalenberger, aye; S. Goodwin, aye.

**Motion Passed (5-0)**

**Public Hearing – Application for a Variance – Littleton Road Realty, Inc. – 38 Littleton Rd. (Filed May 15, 2023).**

S. Goodwin opened the public hearing at 6:07pm by reading the public hearing notice as published in *The Nashoba Valley Voice* on June 2, 2023, and June 9, 2023. The applicant is seeking a Variance pursuant to the Ayer Zoning Bylaw Section 9.5.5 (Size of Signs) in which the maximum height allowed is fifteen feet.

Tony Marciello, of Sunshine Sign, representing Littleton Road Realty, Inc. shared a brief explanation as the need of this variance. He explained that given the shape of the building it is difficult to have the sign at 15 feet or lower. There is a pre-existing awning above the entrance that makes it impossible to put a sign at 15 feet. The purpose of this sign is to direct customers to the primary entrance to the building.

S. Goodwin asked for clarification as to how this sign will direct people to the main entrance.

T. Marciello explained that by having the sign above the main entrance people will be more apt to use that door to enter the building. He also noted that the sign will make the building look more like a business. There is no feasible alternative location given the shape of the building without removing the awning.

S. Goodwin clarified that only a height variance is being requested.

T. Marciello confirmed that only a height variance is needed.

S. Goodwin asked the other Board members to give their thoughts.

All Board members had no issues with the request, and understand the need given the structure of the building.

S. Goodwin opened the hearing to public comment.

No members of the public spoke.

**Motion:** M. Gibbons made a motion to grant a Variance pursuant to Ayer Zoning Bylaw Section 9.5.5 (Size of Signs) to allow a maximum height of twenty-one feet where fifteen feet is allowed.

Seconded: J. Gugino

**Roll Call Vote:** M. Gibbons, aye; J. Gugino, aye; R. DeFilippo, aye; M. Schmalenberger, aye; S. Goodwin, aye.

**Motion Passed (5-0)**

**Motion:** S. Goodwin made a motion to close the hearing of Littleton Road Realty, Inc. for a Variance at 6:18pm.

Seconded by M. Gibbons

**Roll Call Vote:** M. Gibbons, aye; J. Gugino, aye; R. DeFilippo, aye; M. Schmalenberger, aye; S. Goodwin, aye.

**Motion Passed (5-0)**

**Motion:** S. Goodwin made a motion to accept the meeting minutes of April 19, 2023.

Seconded: M. Gibbons.

**Roll Call Vote:** M. Gibbons, aye; J. Gugino, aye; R. DeFilippo, aye; M. Schmalenberger, aye; S. Goodwin, aye.

**Motion Passed (5-0)**

### **Board Discussion**

M. Gibbons would like to review and update the Boards Rules and Procedures.

S. Goodwin believes an in-person meeting at Town Hall would be the best way to accomplish this, so that the Board members could discuss face-to-face. He suggested a meeting in September or October in which that is the only item on the agenda.

R. DeFilippo would also like to have the Rules and Procedures update. He also stated that he understands the the Zoom meetings are convenient but would like to go back to in person meetings. He feels more can be gained by speaking face-to-face.

J. Gugino also noted that if the Board is deciding between in-person or remote meeting the Board should try to be consistent, and not change each month.

S. Goodwin did note that he travels frequently and therefore remote meetings are easier, but he can work to accommodate the Board's meeting schedule.

S. Benoit would like to update the hearing application so make is more extensive and give the Board more information upfront about a particular applicant. She offered to send a draft for the Board to review.

J. Gugino asked that the Rules and Procedures be resent to the Board along with the draft hearing application.

**Motion:** S. Goodwin made a motion to adjourn the meeting.

Seconded by M. Gibbons

**Roll Call Vote:** M. Gibbons, aye; J. Gugino, aye; R. DeFilippo, aye; M. Schmalenberger, aye; S. Goodwin, aye.

**Motion Passed (5-0)**

**Meeting Adjourned at 6:29pm**

Minutes Submitted by Samantha Benoit, Administrative Coordinator

Date Minutes Approved by the ZBA: July 19, 2023

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