



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

**Wednesday, July 19, 2023**

**Remote Participation Open Session Meeting Minutes**

**RECEIVED**  
SEP 27 2023  
TOWN OF AYER  
TOWN CLERK  
(10)

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

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

**Call to Order:** S. Goodwin called the meeting to order at 6:02pm. 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:** J. Ellis asked that the notice at the bottom of the agenda noting the next meeting of the ZBA be changed from July 19, 2023 to August 16, 2023.

M. Gibbons made a motion to approve the agenda as amended.

Seconded by J. Gugno.

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

**Motion Passed (5-0)**

**Public Hearing – Application for a Variance – Tim Santiago – 1 Wright Way (Filed June 6, 2023).**

S. Goodwin opened the public hearing at 6:05pm by reading the public hearing notice as published in *The Nashoba Valley Voice* on June 30, 2023, and July 7, 2023. The applicant is seeking a Variance from the Ayer Zoning Bylaw area requirements for property located within the A-2 Zoning District, which requires 12,000 sq. ft. Proposed Lot 1-A will contain 12,005 sq. ft. and 116.21 ft. of frontage and proposed Lot 1-B will contain 8,695 sq. ft. and 123.55 ft of frontage on Wright Way.

Kevin Conover of David E. Ross Associates Inc. presented on behalf of the applicant Tim Santiago. The applicant was also present.

K. Conover explained that there is currently a house on the property located at 1 Wright Way, and that the applicant would like to divide the property to build a second single family home

where the garage is currently located. In doing so the lot where T. Santiago would build (Lot 1B) would not have the required square footage as laid out in the Ayer Zoning Bylaws. The building of and size of this home would be consistent with existing density of the area.

S. Goodwin asked as to why this variance was being asked for and noted his concerns about the lot shape.

K. Conover explained that the Town of Ayer does not take the shape of a lot into consideration but only the total square footage.

T. Santiago explained his reasoning for the variance request. He currently lives with his parents who are getting older. He would like to live close by so he can care for them but also have a space of his own.

S. Goodwin noted that given the size of the lot the home would be small in size.

K. Conover explained that the house would be 24 feet wide. The structure would be small and conform with all required setbacks. The size of the home would be consistent with other homes in the neighborhood.

S. Goodwin asked what would happen to the home in the future.

T. Santiago explained he has no plans to move into the larger home in the future and the property would likely stay in the family. The future has not been considered at this time.

J. Ellis noted that everything appears too close and tight.

R. Defilippo agreed that the lot appears too small. The plan takes advantage of the unusable portion of the lot to justify the frontage and square footage. He also noted the Police Departments concern about parking.

K. Conover addressed the parking situation. The current home has parking on the south side of the property. The new home would most likely have parking in front of the house as most other houses do in the neighborhood.

J. Gugino also has concerns about the unusable portion of lot 1B, and is concerned about the increased density near the pond.

K. Conover noted that all work would occur outside of the buffer zone.

J. Gugino reiterated her concern about the increased density.

K. Conover explained that there is already a garage in existence where the home would be built.

M. Gibbons primary concern was the setbacks, and that more variances may be needed.

K. Conover the applicant is proposing to build something that would not need variances, and would be consistent with what is already in the neighborhood.

J. Ellis asked if this would become two properties.

K. Conover explained that the variance is needed in order to make this lot two properties.

J. Gugino noted that in doing so the Board would be creating a new non-conforming lot. She also asked if an addition could be made instead.

K. Conover explained the applicant would like his own space.

Geoff Tillotson, Clerk of the Ayer Planning Board, asked if the applicant has explored accessory structures and dwelling units. The addition of that bylaw was to allow for accessory structures to be added to a property in cases such as this and would not require an ANR from the Planning Board.

K. Conover asked if the dwelling unit could be detached.

G. Tillotson believes it can be.

K. Conover recommended to his client the withdrawal of the application to further investigate the possibility of an accessory structure.

K. Conover asked to withdraw the application without prejudice.

**Motion:** S. Goodwin made a motion to allow the applicant to withdraw without prejudice.

Seconded: M. Gibbons

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

**Motion Passed (5-0)**

**Motion:** S. Goodwin made a motion to accept the meeting minutes of June 21, 2023.

Seconded: R. Defilippo.

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

**Motion Passed (5-0)**

### **Board Discussion**

The Board will be updating their Rules and Procedures in an upcoming meeting. S. Goodwin would like this to be an in-person meeting in September or October, depending on how many applications have been received.

M. Gibbons would be willing to hold a special meeting in which this is the only item that is discussed.

R. Defilippo is also willing to attend an extra meeting.

**Motion:** J. Ellis made a motion to adjourn the meeting.

Seconded by M. Gibbons

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

**Motion Passed (5-0)**

**Meeting Adjourned at 6:36pm**

Minutes Submitted by Samantha Benoit, Administrative Coordinator

Date Minutes Approved by the ZBA: September 20, 2023

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