



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

Wednesday January 17, 2024
Hybrid Open Session Meeting Minutes

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TOWN OF AYER
TOWN CLERK 

This meeting was recorded by APAC.

Present: Samuel Goodwin, Chair; Michael Gibbons, Vice-Chair; Ronald Defilippo, Clerk; Jess Gugino (via Zoom); John Ellis; Marilyn Schmalenberger, Alternate Member

Also Present: Samantha Benoit, Administrative Coordinator; Danny Ruiz, Town Planner

Call to Order: S. Goodwin called the meeting to order at 6:00pm. He stated that this meeting/hearing of the Zoning Board of Appeals will be held in-person at the location provided on this notice. Members of the public are welcome to attend this in-person meeting. Please note that while an option for remote attendance and/or participation via Zoom is being provided as a courtesy to the public, the meeting/hearing will not be suspended or terminated if technological problems interrupt the virtual broadcast, unless otherwise required by law. Members of the public with particular interest in a specific item on this agenda should make plans for in-person vs. virtual attendance accordingly. This meeting will be live on Zoom. The public may access the proceedings 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 zba@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: J. Ellis

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

Motion Passed (5-0)

Continued Public Hearing – Application for a Special Permit – North Country Developers – 71 Sandy Pond Rd. (Filed September 28, 2023)

Kevin Conover, from David E. Ross Associates, represented the applicant. He gave an overview of the request in which the applicant is seeking a Special Permit to build two two-family homes on two lots. The Board has previously asked that the hearing be continued so that an ANR may be submitted to the Planning Board. A portion of the proposed work will be in the buffer zone and the applicant has already been before the Conservation Commission. The proposed plan will have the new home tied into the Town Sewer and Water.

J. Ellis asked if there would be one two-family unit on each lot, and why the tax bill was in the previous owner's name.

K. Conover confirmed that is the plan and there will also be less pavement on the property, and the owed taxes have been paid.

J. Ellis asked if these homes would be managed by a company or an individual.

K. Conover explained that the units would be sold individually, but there may be an association.

R. DeFilippo expressed concerns about the height.

K. Conover noted that the building falls within the height requirements of the Town.

J. Gugino noted that about the current water restrictions and the increased density of the area.

K. Conover explained that the DPW would have commented if the the construction of the two two-family homes would impact the water restrictions. He also noted that Samantha Ln. and Cannongate are nearby, and both developments have multi-family homes.

M. Gibbons discussed the list of requirements for Special Permits as provided by the Zoning Bylaws. He felt that this project met all the requirements of a Special Permit.

M. Schmalenberger commented that she felt the proposed buildings were out of character of the surrounding neighborhood as many homes are single-family homes.

The Hearing was opened to public comment.

Pauline Conley recommended that the Board look at the most recent water report from the DPW if they have concerns about water capacity. She also feels that this project will be an improvement of what already exists.

Ken Diskin explained to the Board that two-family homes are allowed in that area, but only with a Special Permit. He also noted that 35% of water usage in Town is used by residents.

Geof Tillotson noted that there are many multi-family homes in the area around the proposed project.

Motion: M. Gibbons made a motion to approve a Special Permit pursuant to Ayer Zoning Bylaw Section 5.2.1.2 (Table of Use Regulations – Residential Uses) to allow two 2-family dwellings in the A-2 district for the property located at 71 Sandy Pond Rd.

Seconded: J. Ellis

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

Motion Failed (3-2) (4 out of 5 votes in the affirmative for a Special Permit)

The Board discussed reasons for denial being the increase in density, traffic, access to utilities, and the character of the neighborhood.

Motion: S. Goodwin made a motion to close the Public Hearing.

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)

Continued Public Hearing – Application for Special Permit – Alexandria Goldinak – 42 Park St. (Filed November 27, 2023)

Alexandria Goldinak, the applicant, and Justin LeClair, of McCarty Engineering were both present. The applicant is looking to add an addition and rehab the existing structure. The existing home was built within the front setback to attach the old structure to the new structure they will have to build within the front setback 35 square feet.

This project has already gone before the Planning Board for Site Plan Review and Stormwater. The proposed project will have a first-floor commercial space and the second floor will have residential units.

J. Ellis asked what the existing front setback is.

J. LeClair believes it is 2.5 feet, but the property does meet the side setback requirements.

J. LeClair further explained that this project will be adding a new business and cleaning up the property. There was also a recent site walk with the Conservation Commission in which more debris was found on the property.

A. Goldinak also explained that the back taxes will be paid upon closing, and they will maintain the existing utilities.

R. DeFilippo noted that the building next door is partially on this property and is owned by another person.

J. LeClair explained that all parties are aware of this.

R. DeFilippo also asked if the existing home is to be demolished.

J. LeClair explained that the existing home will be given a facelift but not demolished.

Motion: M. Gibbons made a motion to approve a Special Permit pursuant to Ayer Zoning Bylaw Section 7.3.B to allow for the construction in the front setback for the property located at 42 Park St.

Seconded: J. Ellis

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 close the Public Hearing at 6:44pm.

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)

Minutes Submitted by Samantha Benoit, Administrative Coordinator

Date Minutes Approved by the ZBA: 02/21/2024

Signature of ZBA Clerk, Indicating Approval: 