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



Recorded by APAC

Wednesday November 20, 2019
Open Session Meeting Minutes

Present: Samuel A. Goodwin, Jr., Chair; Michael Gibbons, Vice-Chair; Ron Defilippo, Clerk; John Ellis, Jess Gugino

Also Present: Carly M. Antonellis, Assistant Town Manager

Call to Order: S. Goodwin called the meeting to order at 6:00 PM.

Approval of Agenda:

Motion: A motion was made by M. Gibbons and seconded by R. Defilippo to approve the agenda. **Motion passed 5-0.**

Public Hearing - Application for Variance – Joyce Lane, LLC – 122 Central Avenue (Filed 10/21/19): S. Goodwin opened the public hearing at 6:00 PM by reading the public hearing notice as advertised in *The Nashoba Valley Voice* on October 25, 2019 and November 1, 2019. The applicant is seeking a variance pursuant to Ayer Zoning Bylaw (2018, as amended October 22, 2018) to allow for 36.88' of lot frontage, where 100' is required for construction of single-family home on lapsed subdivision known as Joyce Lane.

Attorney Peter Knox was in attendance on behalf of Joyce Lane, LLC. He stated that he is looking for a frontage variance on a lapsed subdivision.

S. Goodwin asked if Joyce Lane was a public way. P. Knox responded that it was not.

P. Knox explained that the plan is a definitive subdivision dating back to 1994 submitted by Joyce and Francis Finney. The applicant is seeking to build a single-family home on the lot. Mr. Knox and his client met with the Building Commissioner, who referred the matter to the Planning Board, who referred the matter to the Town Planner. The Planner thought the best approach would be seeking a variance for reduced frontage on the lot. P. Knox stated that because of the size of the lot and the reduced frontage it created a hardship for his client.

M. Gibbons stated that it was a self-imposed hardship, being that there was ample time to build the lot back in 1994.

P. Knox insisted that the building of a single-family home would not substantially derogate from the neighborhood, where there are many single-family homes.

Mr. Charles Landry, 2 Lake Avenue stated that the proposed variance not be approved because it will have a negative effect on the property owners in the neighborhood, individually and as a group. He also felt there were too many unanswered question about where the single-family home would be located and where the drainage and utilities would be placed.

S. Goodwin asked how specifically it would negatively affect him and his neighbors. C. Landry stated that the house would be "sitting right-on top us", in an already crowded neighborhood. S. Goodwin then stated that the size of the property could support another house, so long as it meets the Zoning District's setback requirements, etc.

Mr. Robert Moore, 116 Central Ave stated that all the proposed activity would be taking place in his backyard. He said though he did not see a hardship but supported the Feeny's request.

Mr. Donald Baker, 8 Groveland Street stated that he was afraid that with increased development, there would be flooding in the area, which is already a problem.

Mr. Quentin Hall, 4 Groveland Street also had a concern about potential flooding in the area and that he has water in his basement now and believes this proposal will add to it.

M. Gibbons read a petition dated November 16, 2019 that was submitted to the ZBA to deny the variance, which was signed by 11 neighbors. He also read into the record a letter, not dated, submitted to the ZBA to support the variance by 1 neighbor supporting the variance.

J. Ellis stated that he had a hang-up with the size of the variance being requested.

R. Defilippo stated that ill-fate created this problem and that he does not see it passing a threshold of hardship to grant the variance.

J. Gugino agreed with other Board members stating it was too much of a request coming too late.

M. Gibbons stated that the Board has limited scope and were just making a finding related to the frontage. He said in the past the Board has found hardships, but when the lots were designed much prior to the implementation of Zoning back in the 1970's.

Motion: A motion was then made by S. Goodwin and seconded by M. Gibbons to deny variance as requested.
Motion passed 5-0.

Motion: A motion was made by S. Goodwin and seconded by M. Gibbons to close the public hearing at 6:55 PM.
Motion passed 5-0.

Approval of Meeting Minutes:

Motion: A motion was made by M. Gibbons and seconded by J. Gugino to approve the minutes of August 21, 2019. **Motion passed 5-0.**

Adjournment:

Motion: A motion was made by S. Goodwin and seconded by M. Gibbons to adjourn at 6:57 PM. **Motion approved 5-0.**

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

Date Minutes Approved by ZBA: 2/19/2020

Signature of Clerk Indicating Approval:  _____