



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

Wednesday April 17, 2024

6:00 PM

Hybrid Meeting Agenda

RECEIVED
APR 11 2024

TOWN OF AYER
TOWN CLERK

12:35pm

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.

6:00 PM **Call to Order**

Approval of Agenda

Variance Extension Request – 201-205 W. Main St. – Building Height

Variance Extension Request – 201-205 W. Main St. – Lot Width

Public Hearing – Application for Special Permit – Kevin Hardin
27 Grove St. (Filed March 15, 2024)

Public Hearing – Application for Special Permit – Jane Reed
1 Harvard Rd. (Filed March 25, 2024)

Approval of Minutes

- February 21, 2024

Board Discussion

- Upcoming meetings and topics of discussion

Adjournment

Law Office of Thomas A. Gibbons, PC.

Thomas A. Gibbons, Esq.
tgibbons@tgibbonslaw.com
Licensed to practice in MA & NH

www.tgibbonslaw.com
21 Park Street
Ayer, MA 01432
Telephone: (978)772-2284
Facsimile: (978)772-0802

Kyle J. Croteau, Esq.
kcroteau@tgibbonslaw.com
Licensed to practice in MA

March 29, 2024

Samuel A. Goodwin, Jr., Chair
Ayer Zoning Board of Appeals
Town of Ayer
1 Main Street
Ayer, MA 01432

Susan Copeland
Town Clerk
Town of Ayer
1 Main Street
Ayer, MA 01432

RE: 201-205 West Main Street, Ayer, MA
Applicant: DMG Investment, LLC
My File No.: 22-0188

Dear Sir and Madam:

The purpose of this letter is to request a six month extension to the two variances granted by the Town of Ayer Zoning Board of Appeals on April 19, 2023, copies of which are attached hereto.

As the Board knows, MGL c. 40A sec. 10 allows this Board, upon written application by the grantee of such variance, to extend the time for exercise of the variance rights for a period up to six months. DMG Investment, LLC requests a six month extension of the variances as follows:

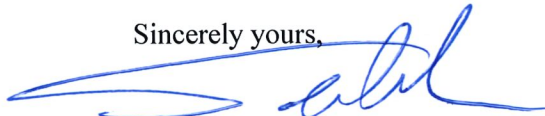
1. The variance pursuant to Ayer Zoning By-Law Section 10.5.16.C (Building Height), which Variance Decision is recorded with the Middlesex South District Registry of Deeds in Book 81558, Page 294.
2. The variance pursuant to Ayer Zoning By-Law Section 10.5.16.B (Lot Width), which Variance Decision is recorded with the Middlesex South District Registry of Deeds in Book 81558, Page 298.

Good cause for this request is that the ability for this project to be further permitted with the Ayer Planning Board is very much dependent upon the outcome of the zoning amendment on the Town of Ayer 2024 Spring Town Meeting Warrant.

Please place this matter on your April 17, 2024 Agenda and I will plan to be present at your meeting to answer any questions the Board may have.

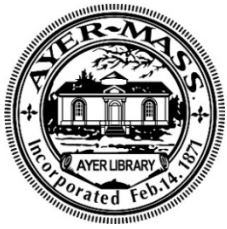
Thank you for your consideration in this matter. If you have any questions or concerns regarding this matter, please do not hesitate to contact me.

Sincerely yours,



Thomas A. Gibbons, Esq.

RECEIVED
MAR 28 2024
BY: SMB@113



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

Department Head Review Summary

Applicant: DMG Investments
Address: 201-205 W. Main St.
Application for: Variances Extension

Department	Comments
Town Manager	
Board of Health	No Comment
Department of Public Works	See attached.
Fire Department	See attached.
Police Department	
Building Commissioner/Zoning Enforcement Officer	
Conservation Commission/Agent	The Conservation Commission has approved a project on this property back in July 2023. Any changes to the plans would require prior approval of the Commission prior to construction. The request for the extension of the approved variances will have no effect to the approval permit by the Commission.
Treasurer/Tax Collector	No Comment
Town Clerk	No issues
Assessor	
Economic & Community Development	Dir. of AOCED recommended to deny original variance (4/2023), therefore recommends to deny extension of variance.
Town Planner	Based on my review of the three requirements for a variance the applicant does not have a hardship to justify the variance. The land does not prove to be a hardship that prevents the applicant from building a project



Town of Ayer

Zoning Board of Appeals

Ayer Town Hall – 1 Main Street – Ayer, MA 01432

	<p>that meets all of the zoning regulations. Money is not a hardship for a 4th floor. The variance should not be extended another 6 months. The applicant should build the project to meet the zoning requirements. This get rid of their parking issue on the project.</p>
--	--

Dan S. Van Schalkwyk, P.E., Director
Kimberly Abraham, Water & Sewer Superintendent
Matt Hemon, P.E., Town Engineer
Pam Martin, Business Manager



25 BROOK STREET
AYER, MASSACHUSETTS 01432
T: (978) 772-8240
F: (978) 772-8244

April 10th, 2024

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

RE: Extension of Variances – 201-205 West Main Street

Dear Board Members:

The DPW has reviewed the letter submitted by Attorney Thomas A. Gibbons on behalf of the applicant, DMG Investments, for a requested extension of two variances previously approved of by the ZBA for the subject project.

These previously granted variances are as follows:

1. The variance pursuant to Ayer Zoning Bylaw Section 10.5.16.C (Building Height).
2. The variance pursuant to Ayer Zoning Bylaw Section 10.5.16.B (Building Width).

DPW’s Comments are below:

Building Height Variance

In April of 2023, the applicant was granted relief by the ZBA to construct a four-story building on the combined 201-205 West Main Street parcel. At the time of this decision, the project’s impacts regarding traffic, parking, water, sewer, and other site related matters were not fully understood.

A site plan application was submitted by the applicant to the Planning Board in June 2023 for the proposed four-story building. The site plans show the 201-205 parcel being nearly 100% utilized. The proposed building footprint and parking area cannot be expanded further due to property lines, setback lines, and the presence of a 100-year floodplain in the northeastern portion of the site.

The proposed four-story building would contain 170 residential units, with only 172 off-street parking spaces. This falls significantly short of the 289 off-street parking spaces as required per Zoning Bylaw Section 9.1.2.

DPW, along with other Town staff who have reviewed this proposal, believe this off-street parking proposal was unacceptable for several reasons:

- The parking demand for building staff and visitors is not accounted for in the proposal.
- There’s no municipal parking lot in the area to accommodate parking overflow from the 201-205 West Main Street property.
- The lack of off-street parking would likely result in “creative parking” off site, negatively impacting the existing residents and businesses along West Main Street.



In conclusion, DPW does not recommend extending this variance for building height. There is a proportional relationship of building height and parking demand. Due to the site's constraints discovered during the site plan review process, the applicant cannot provide adequate off-street parking for a four-story building. It is DPW's opinion, however, that the applicant may be able to provide adequate off-street parking for a three-story building of the same footprint previously proposed.

Building Width Variance

No comments

Should you have any questions or comments, please do not hesitate to contact this office.

Regards,

AYER DEPARTMENT OF PUBLIC WORKS



Dan Van Schalkwyk, P.E.
Director



Matt Herson, P.E.
Town Engineer

MEMO



To: Zoning Board
From: Chief Timothy Johnston
CC: Lieut. Bozek
Date: April 10, 2024
Re: 201-205 West Main Street

The Fire Department continues to have questions about emergency apparatus navigating the parking area under the building. Along with the emergency road access at the entrance of the building off West Main Street.

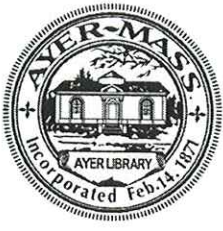
1. The Fire Department does not have 360 access to the building, specifically the B- side.
2. Fire Department access through the Parking garage is not ideal under fire conditions. Particularly in the event of a motor vehicle fire.
3. Parking- if the parking lot size is not increased with the variance, fire department access is limited on the D- side of the building.
4. Fire Department access into the main entrance without fire apparatus using the opposing lane is a concern.
5. Some fire apparatus may not be able to access the emergency road from the parking garage. The surface of the emergency access road will have to support the weight of the apparatus.

This building continues to pose life safety and operational challenges for the Fire Department.

Respectfully,


Timothy P. Johnston

Fire Chief/E.M.D.



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

RECEIVED
MAR 25 2024

TOWN OF AYER
TOWN CLERK

11:30am
(Signature)

Public Hearing Notice

The Ayer ZBA will be conducting a hybrid public hearing at 6:00pm on Wednesday, April 17, 2024 at Ayer Town Hall, 1 Main Street, regarding an application submitted by Kevin Hardin for the property located at 27 Grove Street Ayer, MA. The applicant is seeking a Special Permit pursuant to the Ayer Zoning Bylaw Section 7.6.C (b) (Reconstruction After a Catastrophe) to allow for the construction of the new building to not be located within the original footprint. For Zoom/Call-In information please contact zba@ayer.ma.us or 978-772-8220 x 114.

Advertised: March 29, 2024 and April 5, 2024 – *The Nashoba Valley Voice*



**Town of Ayer
ZONING BOARD OF APPEALS
Hearing Application**

PLEASE READ THE ENTIRE APPLICATION PACKET, INCLUDING THE INSTRUCTIONS, PRIOR TO SUBMITTING THE APPLICATION.

1. The Zoning Board of Appeals is governed by the Commonwealth of Massachusetts not the Town of Ayer. Accordingly, all procedures must follow The Ayer Zoning Bylaw and Massachusetts General Law Chapter 40A.
2. Consult with the Building/Zoning Department prior to submission of this application.
3. Submit thirteen (13) hard copies of this application and all supporting materials to the Administrative Coordinator, and one (1) digital copy to zba@ayer.ma.us.

Application Date: 3-14-2024

Property Information:

Location of Property: 27 Grove St.

Registry of Deeds: Book 52071 Page 320

Assessor's Map: 33 Parcel ID: 16 Lot Size: 6,500

Zoning District: A-1 (A-2) GR GB DBP LI I MU HCS WAV

Aquifer Protection Overlay District: Zone I Zone II N/A

Owner's Name: Kevin D. Hardin

Owner's Address: [REDACTED]

Applicant Information:

Applicant Name: Kevin D. Hardin

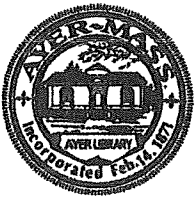
Applicant Address: 82 Sandy Pond Rd Ayer MA 01432

Phone Number: [REDACTED]

Email Address: [REDACTED]

Applicant is Owner Tenant Attorney Licensee Prospective Buyer

A letter of authorization must be attached for all applicants who are NOT the property owner.



**Town of Ayer
ZONING BOARD OF APPEALS
Hearing Application**

The undersigned hereby petitions the Town of Ayer Zoning Board of Appeals for the following relief:

- VARIANCE from the requirements of the Town of Ayer Zoning Bylaws.
- SPECIAL PERMIT for a specific use which is subject to the approval of the Zoning Board of Appeals.
- SPECIAL PERMIT to expand, alter, or change a non-conforming use or structure.
- ADMINISTRATIVE APPEAL of the Building Inspectors decision.
- COMPREHENSIVE PERMIT for the building of low to moderate income housing per M.G.L. c. 40B.

Did you submit a Building Permit Application to the Town of Ayer Building Inspector? yes

If yes, were you denied a permit by the Town of Ayer Building Inspector? yes

If you were denied a permit, please attach a copy of the decision from the Building Commissioner's Office.

Describe the proposal and relief requested:

I am proposing to construct a new two-family structure on the existing lot located at 27 Grove St. I would like to replace the existing three-family structure. I am requesting permission to relocate the new structure on the lot.

List the appropriate Section(s) from the Ayer Zoning Bylaws.

The Building/Zoning Department was consulted to determine the required relief, and applicable section(s) of the Ayer Zoning Bylaws as noted in the above request.

Zoning Enforcement Officer Signature: _____

I am proposing to construct a new two-family structure on the existing lot located at 27 Grove Street in Ayer. I would like to replace the existing three-family structure. I am requesting permission to relocate the new structure on the lot.

By doing this, it will:

1. Improve the sprawling footprint to a more modern and compact footprint that will improve setbacks and provide a more aesthetic appearance while fitting in with the current structures in the neighborhood.
2. Protect the existing vegetation on the west and south side of house by eliminating the need to put a new foundation in the current footprint because the current foundation most likely does not meet existing code requirements.
3. The structures assessed value will be increased, which will increase tax-base.
4. Reduce current traffic and parking demand, along with town services.
5. The new footprint will have a positive effect on the current topography by locating the new structure on the flat section of the lot, avoiding disturbing existing vegetation.
6. The new footprint will improve some of the non-conforming setbacks on this lot.
7. Alleviate concerns from the west side neighbor while adhering to set back requirements for the east side neighbor.
8. The new proposal will accommodate parking under the structure, decreasing some of the outside parking on the lot.



**Town of Ayer
ZONING BOARD OF APPEALS
Hearing Application**

Items to be Submitted with the Completed Application:

- A summary of the proposed project.
- A certified plot plan that distinguishes existing structures from the proposed construction. This plan must show all setbacks (front, side, rear) and frontage measurements. All lot and structural dimensions, both existing and proposed, must be clearly delineated.
- Any correspondence from the Building Commissioner or Zoning Enforcement Officer concerning this request.
- Pictures of the existing conditions, renderings of proposed conditions, and any other documentation to best explain the requests.
- A certified list of abutters obtained from the Assessor's Office.

Please read and sign the following:

I certify that the information provided above is true and correct to the best of my knowledge; that I understand that the Board may require additional information to process or grant this application; that the Board may require me to pay additional consulting pursuant to M.G.L. c44 §53G; that errors in this information, or in the information I provide at the public hearing, may result in the denial of this application or the revocation of any favorable decision issued by the Board; that any relief granted by the Board shall be limited to the request made in this application; that I may be represented by counsel at my own expense; that if my application is denied it cannot be resubmitted for two years, following its denial, without prior approval of both the Zoning Board of Appeals and the Planning Board; and that I am responsible for all other applications, permits, approvals etc., that may be required by law.

Applicant's Signature: Kevin D. Healdin Date: 3-14-2024



ZONING/BUILDING DEPARTMENT

Town of Ayer
TOWN HALL 1 MAIN ST. AYER, MASSACHUSETTS. 01432
978-772-8214

CHARLES R. SHULTZ, JR.
BUILDING COMMISSIONER/ZONING ENFORCEMENT

March 4, 2024

Re: 27 Grove Street

Dear Mr. Hardin,

At this time, I must deny your permit application for 27 Grove Street.

According to section 7.6 Rebuilding after a catastrophe, the reconstruction must occur within the same footprint as the original non-conforming structure. The plan that you have submitted shows the reconstruction outside of the original footprint and therefore is not permitted by right.

7.6 C. (b) A special permit from the Zoning Board of Appeals is required if the building is located other than the original location.

Charles R. Shultz Jr.
Building Commissioner/Zoning Enforcement

Copy: Town Manager's Office
File

THIS PLAN IS NOT TO BE USED FOR THE ESTABLISHMENT OF PROPERTY LINES, ERECTION OF FENCES, LANDSCAPING

Certified Plot Plan

27 Grove Street

Ayer, Mass.

STREET

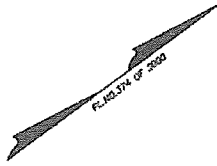
TOWN

David E. Ross Associates, Inc.

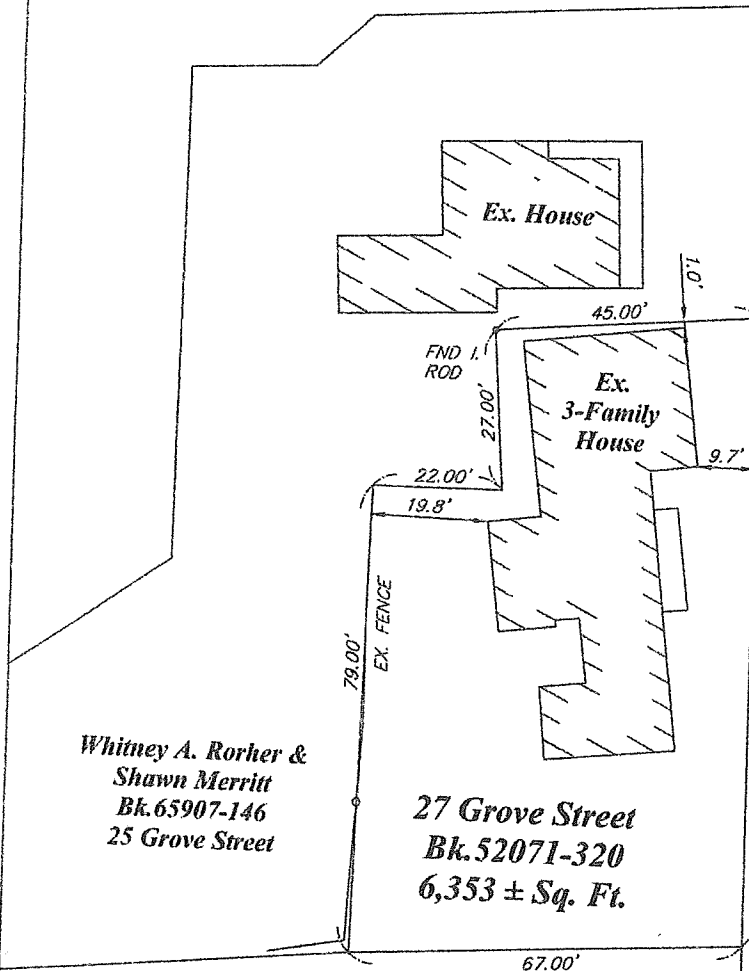
6 LANCASTER COUNTY ROAD - P.O. BOX 795 - HARVARD, MASS 01451
(978) 772-6232 FAX 772-6258



SURVEYOR



ELM STREET



Whitney A. Rorher &
Shawn Merritt
Bk. 65907-146
25 Grove Street

27 Grove Street
Bk. 52071-320
6,353 ± Sq. Ft.

Kimberly A. Boudreau
Bk. 42268-598
31 Grove Street

Ex. House

Zoning Classification: Residence A-2

Scale: 1"=20'

Ex. Building Coverage=26.9 ± %

I certify that the existing house is located on the lot as shown.

I further certify that the existing house is located within Flood Zone "X" (unshaded) per Flood Insurance Rate Map (FIRM) for the Town of Ayer, Community Panel No. 250180 0212 E dated June 4, 2010.

REFERENCES: **Job #34460, NB848-2, Job #16017**

GROVE STREET

Property Description
Kevin Hardin Trust
Kevin Hardin, Trustee
Bk. 52071-320
27 Grove Street
Map 33 Parcel 16
6,353 ± Sq. Ft.

PLAN NO. **S-15303-Ex**

THIS PLAN IS NOT TO BE USED FOR THE ESTABLISHMENT OF PROPERTY LINES, ERECTION OF FENCES, LANDSCAPING

Certified Plot Plan

27 Grove Street

Ayer, Mass.

STREET

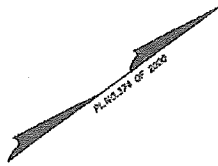
TOWN

David E. Ross Associates, Inc.

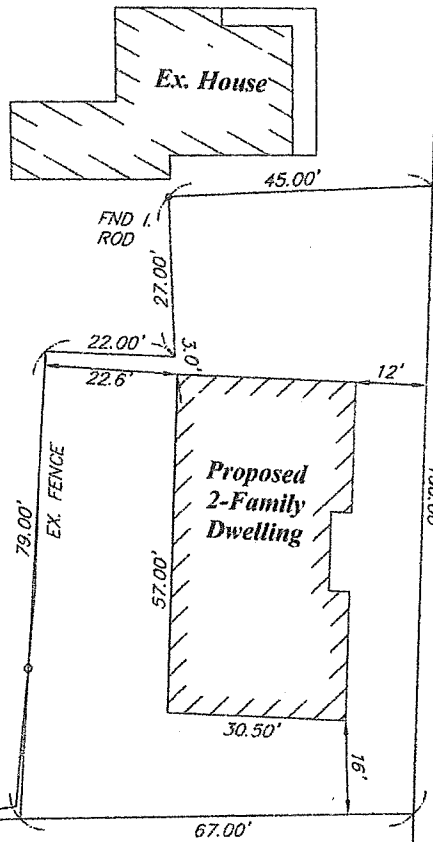
6 LANCASTER COUNTY ROAD - P.O. BOX 795 - HARVARD, MASS 01451
(978) 772-6232 FAX 772-6258



SURVEYOR



ELM STREET



EX. PAVEMENT

GROVE STREET

Whitney A. Rorher &
Shawn Merritt
Bk. 65907-146
25 Grove Street

Kimberly A. Boudreau
Bk. 42268-598
31 Grove Street

Ex. House

Property Description
Kevin Hardin Trust
Kevin Hardin, Trustee
Bk. 52071-320
27 Grove Street
Map 33 Parcel 16
6,353 ± Sq. Ft.

Zoning Classification: Residence A-2
Scale: 1"=20'

Proposed Building Coverage=26.9 ± %

See Chap. 320-7.6 Reconstruction after Catastrophe

I certify that the proposed 2-family dwelling is located on the lot as shown.

I further certify that the proposed 2-family dwelling is located within Flood Zone "X" (unshaded) per Flood Insurance Rate Map (FIRM) for the Town of Ayer, Community Panel No. 250180 0212 E dated June 4, 2010.

REFERENCES: **Job #34460, NB848-2, Job #16017**

PLAN NO. **S-15303-Prop.**



























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

Department Head Review Summary

Applicant: Kevin Hardin

Address: 27 Grove St.

Application for: Special Permit

Department	Comments
Town Manager	
Board of Health	No issues as long as the property is served by town water and town sewer.
Department of Public Works	DPW has no comments or concerns with the application. Applicant would need to file permits with DPW (water/sewer connection, street opening, etc.) if project moves forward.
Fire Department	No Fire Department Issues
Police Department	Where is and is there enough “off street” parking?
Building Commissioner/Zoning Enforcement Officer	In my opinion, allowing the applicant to rebuild in the new location allows for more fire serration and would enhance the neighborhood.
Conservation Commission/Agent	No comment. Outside ConCom jurisdiction.
Treasurer/Tax Collector	No Comment
Town Clerk	No Issue
Assessor	
Economic & Community Development	Recommend Approval
Town Planner	The applicants submission is more beneficial to the abutters and surrounding neighborhood. They have shown they meet all of the Special Permit criteria set forth in AZB Section 3.4.B. I recommend the Zoning Board grant this special permit.

Kimberly Boudreau



Ayer, Ma 01432



March 19, 2024

Attn: Ayer Zoning Board of Appeals

Ref: Property at 27 Grove St. Ayer Owner Kevin Hardin

To whom it may concern, I am the neighbor on the East side of the building at 27 Grove St. I reside at [REDACTED] As the abutting neighbor I am in favor of the proposal to change the foot print of the house I believe the proposed change will give the neighborhood a nice appearance.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'K. Boudreau', written over a horizontal line.

Kimberly Boudreau

April 2, 2024

To: Zoning Board of Appeals,

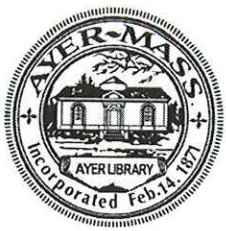
I am an Abutter of 27 Grove St. for 37 years,
I know the owner and property very well. I
believe this would be a vast improvement to
enhance the look of our neighborhood.

I am in favor for this appeal to pass.

Best,

Julie Thomas

Julie Thomas

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

11:30am

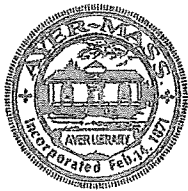
RECEIVED
MAR 25 2024

Public Hearing Notice

TOWN OF AYER
TOWN CLERK

The Ayer ZBA will be conducting a hybrid public hearing at 6:00pm on Wednesday, April 17, 2024 at Ayer Town Hall, 1 Main Street, regarding an application submitted by Jane Reed for the property located at 1 Harvard Road Ayer, MA. The applicant is seeking a Special Permit pursuant to the Ayer Zoning Bylaw Section 5.3.2.C (Accessory Apartment) to allow for the for the conversion of an existing carriage house into a dwelling unit. For Zoom/Call-In information please contact zba@ayer.ma.us or 978-772-8220 x 114.

Advertised: March 29, 2024 and April 5, 2024 – *The Nashoba Valley Voice*



Town of Ayer
ZONING BOARD OF APPEALS
 Hearing Application

PLEASE READ THE ENTIRE APPLICATION PACKET, INCLUDING THE INSTRUCTIONS, PRIOR TO SUBMITTING THE APPLICATION.

1. The Zoning Board of Appeals is governed by the Commonwealth of Massachusetts not the Town of Ayer. Accordingly, all procedures must follow The Ayer Zoning Bylaw and Massachusetts General Law Chapter 40A.
2. Consult with the Building/Zoning Department prior to submission of this application.
3. Submit thirteen (13) hard copies of this application and all supporting materials to the Administrative Coordinator, and one (1) digital copy to zba@ayer.ma.us.

Application Date: 1-29-24

Property Information:

Location of Property: 1 HARVARD RD, Ayer

Registry of Deeds: Book 7187 Page 282

Assessor's Map: 019/034,000.0079.0 Parcel ID: 00340079 Lot Size: 0.71 AC

Zoning District: A-1 (A-2) GR GB DBP LI I MU HCS WAV

Aquifer Protection Overlay District: (Zone I) Zone II N/A

Owner's Name: JANE REED MATSON TRUST

Owner's Address: 1 HARVARD RD, Ayer

Applicant Information:

Applicant Name: JANE REED

Applicant Address: 1 HARVARD RD, Ayer

Phone Number: [REDACTED]

Email Address: [REDACTED]

Applicant is Owner Tenant Attorney Licensee Prospective Buyer

A letter of authorization must be attached for all applicants who are NOT the property owner.



Town of Ayer
ZONING BOARD OF APPEALS
Hearing Application

Variance Requirements:

If applying for a variance, please answer the following questions on a separate sheet of paper:

1. What circumstances relating to the specific soil conditions, shape or topography of your land or structures causes you to need a variance? *None*
2. What substantial hardship, financial or otherwise, owing to the specific soil conditions, shape or topography of your land or structures, would result if this application for a variance were denied?
None
3. How would the granting of this variance not be detrimental to the public good, nor be a substantially derogating from the purpose of the Bylaw? *No exterior changes, to street side of structure, only adding windows and additional door*

Special Permit Requirements:

If applying for a special permit, please answer the following question on a separate sheet of paper

Explain how the adverse effects of the proposed use will not outweigh its beneficial impacts to the town or the neighborhood, in view of the particular characteristics of the site, and of the proposal in relation to that site.

Please keep in mind the following when answering the above question:

1. Social, economic, or community needs which are served by the proposal. *additional tax revenue housing*
2. Traffic flow and safety, including parking and loading. *adequate on site parking exists.*
3. Adequacy of utilities and other public services. *sewer and water already connected; elec service in place also*
4. Neighborhood character and social structures. *No changes*
5. Impacts on the natural environment. *no changes*
6. Potential fiscal impact, including impacts on town services, tax base and employment. *additional tax revenue + housing. local contractors employed. surgeon family dwelling*

ZONING BOARD APPLICATION FOR VARIANCE

1 HARVARD ROAD

JANE REED MATSON TRUST

PURPOSE OF REQUEST

Conversion of existing 2 storey carriage house into a single dwelling unit. Currently building in original condition on interior – studs - and being used as storage. Anticipate no changes to exterior of building with exception being additional windows on side and back of building and addition of additional egress. Additional parking space is available.

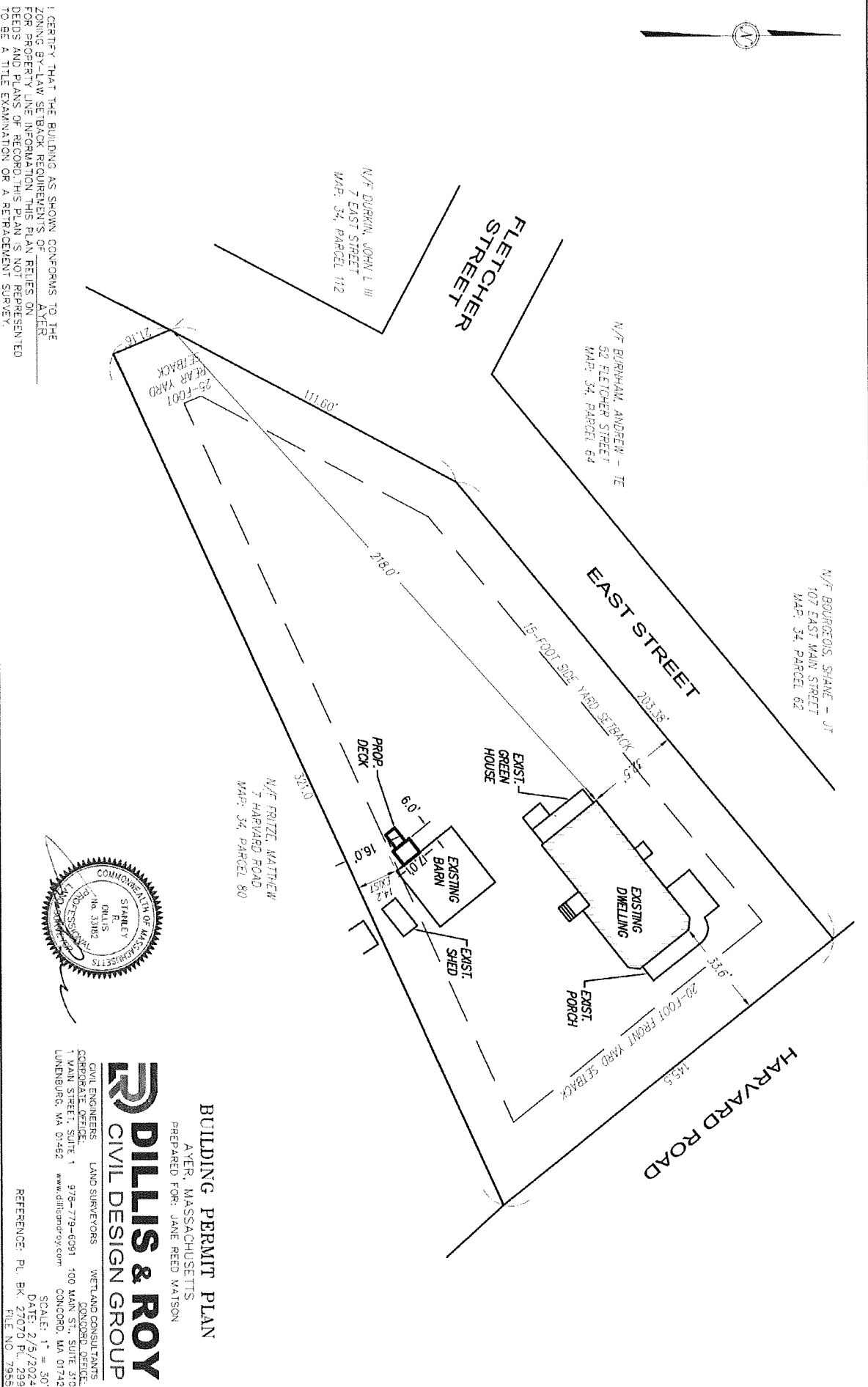
Applicant plans to obtain and follow HERS recommendations for maximum energy efficiency.

Anticipate no change in traffic patterns or changes in neighborhood character as a result of the conversion.

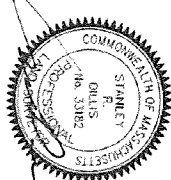
Utilities (water and sewer) have already been supplied to building. Electrical and internet service already in place as a result of continued use of building for woodworking.

Anticipate no effect on natural environment..no runoff e.g.

Town fiscal benefit from additional assessment, increased housing, increased tax revenue, and employment of local contractors and suppliers



I CERTIFY THAT THE BUILDING AS SHOWN CONFORMS TO THE ZONING BY-LAW SETBACK REQUIREMENTS OF _____ AYER FOR PROPERTY LINE INFORMATION THIS PLAN RELIES ON DEEDS AND PLANS OF RECORD THIS PLAN IS NOT REPRESENTED TO BE A TITLE EXAMINATION OR A RETRACEMENT SURVEY.



BUILDING PERMIT PLAN
 AYER, MASSACHUSETTS
 PREPARED FOR: JANE REED WATSON

DILLIS & ROY
 CIVIL DESIGN GROUP

CIVIL ENGINEERS LAND SURVEYORS WETLAND CONSULTANTS
 CORPORATE OFFICE: 100 MAIN ST., SUITE 310 CONCORD, MA 01742
 1 MAIN STREET, SUITE 1 978-779-6091 www.dillisoroy.com
 LINENBURG, MA 01469

SCALE: 1" = 30'
 DATE: 2/9/2024
 REFERENCE: PL. BK. Z1070 PL. 289
 FILE NO. 7855



ZONING/BUILDING DEPARTMENT

Town of Ayer

TOWN HALL 1 MAIN ST. AYER, MASSACHUSETTS. 01432

978-772-8214

CHARLES R. SHULTZ, JR.
BUILDING COMMISSIONER/ZONING ENFORCEMENT

Dear Board Members,

I have reviewed 1 Harvard Roads ZBA package for an accessory apartment as required by 5.3.2 C. #10. These are my findings. (1)

1. ZBA
2. Complies
3. ZBA
4. The owner is looking to finish 912sq' where only 815sq' is allowed by the main home square footage. (3,260 x .25 = 815sq') Therefore she is permitted by right for only 815sq' and would need a variance for the 912sq'.
5. Complies
6. Complies
7. ZBA
8. ZBA
9. ZBA

Charles R. Shultz Jr.
Building Commissioner/Zoning Enforcement

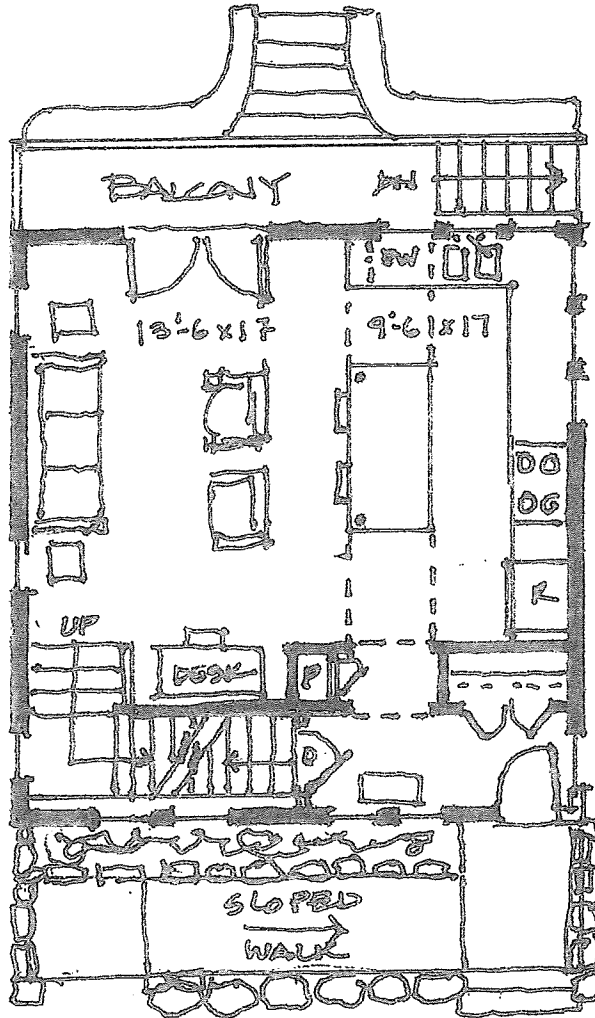
Copy: Town Manager's Office
File

APPLICATION FOR VARIANCE FOR ACCESSORY APT AT 1 HARVARD ROAD,
AYER

REQUIRED BY 5.3.2c #10

1. This is an application to convert an existing carriage house to a dwelling unit. This is detached from the owner's home.
2. Complies
3. Owner of current house is Jane Reed and it is planned to remain this way. No sale is planned.
4. Current application exceeds the allowable s.f. Revised plan calls for using the second floor as storage only..not a living space. Would accomplish this by expanding knee wall space to larger storage thus decreasing the s.f. by at least 100 s.f. Final area would be under the 815 s.f. permitted
5. Complies
6. Complies
7. No sale of existing owner occupied dwelling is planned.
8. Affidavits will be filed yearly with the Ayer Building Commissioner stating the requirements for the special permit are being met. This will be provided within one month of the anniversary date of the decision of the ZBA
9. Accessory dwelling would be discontinued and reincorporated into the principal residence if the property owner dies or transfers ownership of the principal residence or when the accessory apartment ceases to be occupied; unless the ZBA grants a new special permit for the changed circumstances.





FIRST FLOOR PLAN

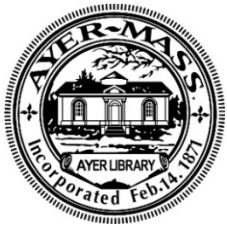


100 Main Street
 Suite 420
 Concord, MA 01742
 978.371.0344
 www.nasharch.com

REED MATSON CARRIAGE HOUSE

1 HARVARD ROAD, AYER, MA

scale: 1/8" = 1'-0" | date: 1/19/24 | scheme: *ZP*



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

Department Head Review Summary

Applicant: Jane Reed

Address: 1 Harvard Rd.

Application for: Special Permit

Department	Comments
Town Manager	
Board of Health	No issues as long as the property is served by town water and town sewer.
Department of Public Works	DPW has no comments or concerns.
Fire Department	No Fire Department Issues
Police Department	<ol style="list-style-type: none">1. How is this unit going to be differentiated from existing residence for 911 and Emergency response purposes?2. Is there enough "off street" parking?
Building Commissioner/Zoning Enforcement Officer	No issues.
Conservation Commission/Agent	No comment. Outside ConsComm jurisdiction.
Treasurer/Tax Collector	No Comment.
Town Clerk	No Issues.
Assessor	
Economic & Community Development	Recommend Approval
Town Planner	I recommend that the ZBA approves the Special Permit for an accessory dwelling unit at 1 Harvard Rd as the application meets all of the requirements.



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

Wednesday February 21, 2024
Hybrid Open Session Meeting Minutes

This meeting was recorded by APAC.

Present: Samuel Goodwin, Chair (Zoom); Michael Gibbons, Vice-Chair; Ronald Defilippo, Clerk; Jess Gugino; 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 6:06pm. 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.

Due to ongoing technical difficulties S. Goodwin was unable to fully participate in the meeting. M. Gibbons chaired the remainder of the meeting and M. Schmalenberger was asked to take S. Goodwin's place. S. Goodwin did participate when able but did not vote.

Approval of the Agenda: J. Ellis made a motion to approve the agenda as written.

Seconded: R. Defilippo

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

M. Schmalenberger, aye.

Motion Passed (5-0)

Public Hearing – Application for a Variance – Ellyson Ross Stout – 52 Pearl Street (Filed January 19, 2024)

M. Gibbons opened the Public Hearing at 6:10pm by reading the public hearing notice as published in the Nashoba Valley Voice on February 2, 2024 and February 9, 2024. The applicant is seeking a Variance from the Ayer Zoning Bylaw Section 6.2 Appendix B (Schedule of Dimensional Requirements) to allow for a 12-foot side setback where a 15-foot side setback is required to accommodate the construction of a deck.

Ellyson Ross Stout is the owner of the property located at 52 Pearl St. and represented herself.

E. Stout explained that she would like to add a deck, screened-in porch, and mudroom to the existing home. A portion of the deck and the stairs will be within the side setback. The current deck runs along the property line. The proposed deck is in line with the house.

R. DeFilippo noted that the proposed deck is barely over the setback line and the abutting property is a paper road known as Howard St.

E. Stout explained that some people use this portion of Howard St. as a cut through to the rail trail, but it is not a road that is maintained or traveled frequently.

M. Gibbons noted that literal enforcement of the Zoning Bylaw would negatively impact the whole design of the project and prevent the applicant from moving forward.

No abutters were present.

Motion: J. Gugino made a motion to approve a Variance from the Ayer Zoning Bylaw Section 6.2 Appendix B (Schedule of Dimensional Requirements) to allow for a 12-foot side setback where a 15-foot side setback is required to accommodate the construction of a deck for the property located at 52 Pearl St.

Seconded: J. Ellis

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

Motion Passed (5-0)

Motion: M. Gibbons made a motion to close the Public Hearing.

Seconded: J. Ellis

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

Motion Passed (5-0)

Janet Providakes representing the Affordable Housing Committee Working Group, gave a presentation on some of the changes being proposed to the Ayer Zoning Bylaws. The Working Group has been discussing how to make homes more affordable and increase the variety of housing. The group is made up of volunteers and Town Hall personnel. They looked at creating more opportunities for multi-family homes but changing the minimum 750 sq. ft. requirement for Inclusionary Housing and allowing two-family homes to be built in the A-1 and A-2 Districts without a Special Permit by the ZBA.

Charles Shultz, the Building Commissioner, and member of the working group, explained that all other residential districts in Town allow for two-family homes by-right and the bylaw does have provisions for two-family homes.

S. Goodwin asked for clarification on the reduction of the minimum square footage requirements reduction.

C. Shultz explained that it is only in Inclusionary Housing that the minimum is changing in all other aspects it will stay the same.

M. Gibbons asked how many parcels will open up in the A-1 and A-2 districts with the change to two-family home Special Permit requirements.

C. Shultz explained that no more parcels will open up because the Zoning Bylaw has requirements for a two-family home on those districts that will still need to be met. This will just make it easier to have two-family homes built.

R. DeFilippo is concerned about the pressure and impact of duplexes on the A-1 and A-2 districts.

C. Shultz explained that a large single-family home can have more of an impact than a two-family home.

M. Schmalenberger asked if more duplexes were being built than single-family homes.

C. Shultz explained that it swings back and forth based on what the market and home buyers want.

M. Schmalenberger is concerned that the development of the town will change with very little say from the ZBA.

J. Providakes explained that this change does not mean only two-family homes will be built and there are still Zoning Requirements that will need to be met.

J. Gugino reminded the Board that all Zoning Bylaw changes must go before Town Meeting to be voted on and no changes have been made yet.

Motion: J. Gugino made a motion to accept the minutes of the December 20, 2023 meeting.

Seconded: J. Ellis

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

M. Schmalenberger, aye.

Motion Passed (5-0)

Motion: J. Gugino made a motion to accept the minutes of the January 17, 2024 meeting as amended.

Seconded: J. Ellis

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

M. Schmalenberger, aye.

Motion Passed (5-0)

Board Discussion:

D. Ruiz gave a short presentation on Special Permits to the Board.

M. Gibbons during the discussion noted that in the past some of the Special Permit criteria has been given more weight than other criteria.

D. Ruiz explained that the criteria are all equal and that in order for a Special Permit to be granted the majority of the criteria must be met. Conditions can also be added to lessen the negative impacts.

The Board would like a presentation on Variances at a future meeting.

M. Gibbons asked for clarification on the Zoning Bylaw change proposed at Town Meeting regarding the make-up of the ZBA.

S. Benoit explained that this is to correct a clerical error made during the Zoning Bylaw update in 2018. Nothing is changing to the make-up of the ZBA, but it does need to be spelled out in the bylaws.

D. Ruiz explained that the Zoning Map will also be updated at Town Meeting to reflect some changes made in previous years.

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

Seconded: M. Schmalenberger

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

Motion Passed (5-0)

Meeting Adjourned at 7:52pm

Minutes Submitted by Samantha Benoit, Administrative Coordinator

Date Minutes Approved by the ZBA: _____

Signature of ZBA Clerk, Indicating Approval: _____