

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

Wednesday November 15, 2023

6:00 PM

Hybrid Meeting Agenda

RECEIVED
NOV 09 2023

TOWN OF AYER
TOWN CLERK

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.

10:40am



6:00 PM **Call to Order**

Approval of Agenda

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

Public Hearing – Application for Special Permit – Third Street Nominee Trust
33 Third St. (Filed October 18, 2023)

Public Hearing – Application for Special Permit – Kristina Young
3 Bennetts Crossing (Filed October 26, 2023)

Discussion – Habitat for Humanity – Carolyn Read

Approval of Meeting Minutes

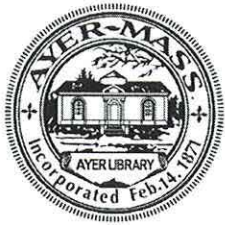
October 18, 2023

Board Discussion

- Rules and Procedures
- Hearing Application

Adjournment

The next regularly scheduled ZBA Meeting is Wednesday December 20, 2023 at 6:00 PM.



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

Public Hearing Notice

The Ayer ZBA will be conducting a hybrid public hearing at 6:00pm on Wednesday November 15, 2023 at Ayer Town Hall, 1 Main Street, regarding an application submitted by North Country Developers, LLC for the property located at 71 Sandy Pond Road Ayer, MA. The applicant is seeking 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 more information, including Zoom/Call-in information please contact zba@ayer.ma.us or 978-772-8220 x 114.

Advertised: October 27, 2023 and November 3, 2023 – *The Nashoba Valley Voice*

RECEIVED
OCT 24 2023

TOWN OF AYER
TOWN CLERK

3:05 PM



Town of Ayer
ZONING BOARD OF APPEALS
APPLICATION FOR A HEARING

Name of Applicant: North Country Developers, LLC c/o Brent Routhier
(Full Name)

11 Harvard Road Ayer, Ma. 01432
(Address)

[REDACTED]
(Phone Number)

[REDACTED]
(Email Address)

Applicant is: Owner Tenant Licensee Prospective Buyer*
**If you are a tenant, licensee or prospective buyer please include a letter from the property owner acknowledging the application with the Zoning Board of Appeals.*

The name and address of each holder or legal title to the land which is the subject of this petition (list as it appears on the Deed):

North Country Developers LLC 11 Harvard Road, Ayer, Ma. 01432

Location of Property:

71 Sandy Pond Road, Ayer, Ma. 01432

Assessor's Map 28 Parcel 29.1 Land Size 2.86 acres

Zoning District: A-1 A-2 GR GB DB LI I MUT HCS
Circle One

Registry of Deeds Book 81572 Page 348

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

The undersigned hereby petitions the Town of Ayer Zoning Board of Appeals to vary the terms of the Zoning Bylaws for the following purpose:

- A VARIANCE from the requirements of the Town of Ayer Zoning Bylaws
- A SPECIAL PERMIT for a specific use which is subject the approval of the Zoning Board of Appeals
- A SPECIAL PERMIT to expand, alter, or change a non-conforming use or structure.
- ADMINISTRATIVE APPEAL (i.e. Building Inspector Decision)

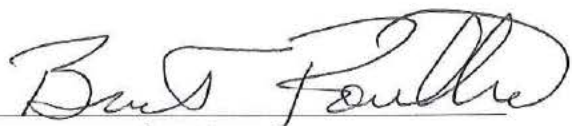
Did you request a building permit from the Town of Ayer Building Inspector?

If yes, were you denied a permit by the Town of Ayer Building Inspector?
If you were denied a permit, please attach a copy of the decision from Building Commissioner's Office.


State briefly the reasons for application and include the appropriate citation(s) from the Ayer Zoning Bylaw:

The applicant is requesting a Special Permit for two proposed 2-family dwellings
on property located within an A-2 Residence Zoning District pursuant to Sec. 5.2
of the Town of Ayer Zoning Bylaws.

Date: 9-20-23

Signed by 
(Petitioner) North Country Developers, LLC


(Daytime Phone Number)


(Email)

DAVID E. ROSS ASSOCIATES, INC.

Civil Engineers, Land Surveyors, Environmental Consultants

September 21, 2023

Board of Appeals

Town of Ayer
1 Mian Street
Ayer, Ma. 01432

Re: Special Permit Application

North Country Developers LLC
71 Sandy Pond Road
Ayer, Ma.
Project No.34325

Dear Board Members,

On behalf of our client, North Country Developers LLC, enclosed please find a Special Permit Application for the construction of two 2-family dwellings on property located at 71 Sandy Road and located within the Residence A-2 Zoning District.

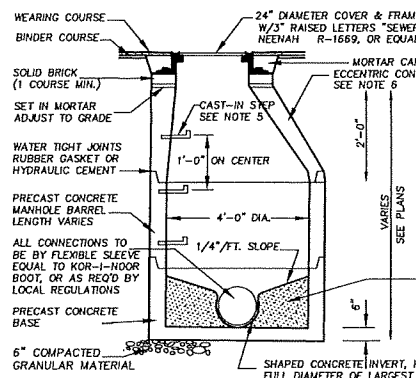
The property is situated on the southerly side of Sandy Pond Road at the intersection of Snake Hill Road consisting of 2.86 Acres and contains an existing 2-family dwelling served by a private septic system. It is North Country Developers LLC intent to divide the property into two separate lots each containing a proposed 2-family dwelling on each new lot. Pursuant to Chapter 320 Section 5.2 (Table of Use Regulations), a Special Permit is required from the Zoning Board of Appeals for this type of development. Currently the property is situated adjacent to a Condominium subdivision, Samantha Lane and within close proximity to a multi-family unit located at 59 Sandy Pond Road and the Cannongate Apartment Complex. The proposed lot division conforms with the frontage and area requirements for a 2-family lot as outlined in Section 6.2 (Schedule of Dimensional Requirements) and will be consistent with lot sizes and uses for the properties in the direct vicinity.

Please review the application and contact this office with any comments or questions.

Very Truly Yours;
David E. Ross Associates, Inc.:

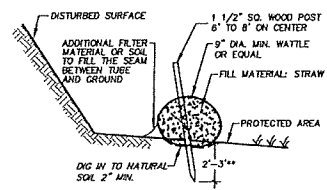


Kevin R. Conover



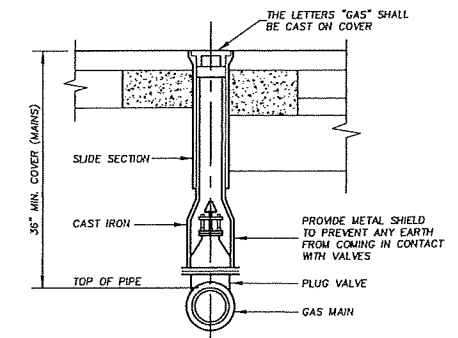
SEWER MANHOLE DETAIL
NOT TO SCALE

- NOTES:**
- CONCRETE, 4,000 PSI MINIMUM AFTER 28 DAYS.
 - REINFORCED STEEL CONFORMS TO LATEST ASTM A185 SPEC. 0.12 SO. IN. LINEAL FT. AND 0.12 SO. IN. (BOTH WAYS) BASE BOTTOM.
 - N-30 DESIGN LOADING PER AASHTO H15-20-44; ASTM C478 SPEC FOR "PRECAST REINFORCED CONCRETE MANHOLE SECTIONS."
 - BUTYL RESIN JOINT CONFORMS TO LATEST ASTM C443 SPEC.
 - STEEL REINFORCED COPOLYMER POLYPROPYLENE PLASTIC STEP CONFORMS TO LATEST ASTM C478 SPEC.
 - IN AREAS WHERE COVER IS 3' OR LESS ABOVE PIPES, USE FLAT TOP SLAB IN LIEU OF ECCENTRIC CONE SECTION.

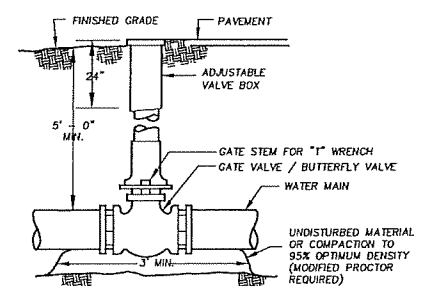


SILTATION BARRIER WATTLE DETAIL
NOT TO SCALE

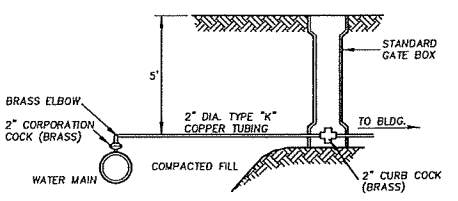
WATTLE NETTING SHALL BE MADE OF NATURAL MATERIAL; PLASTIC IS PROHIBITED.
ACCUMULATED SEDIMENT SHOULD BE REMOVED, OR A NEW WATTLE INSTALLED, WHEN IT REACHES APPROXIMATELY ONE-HALF OF THE WATTLE DIAMETER.
IF SHEET FLOWS ARE BYPASSING OR BREACHING THE WATTLE DURING STORM EVENTS, IT MUST BE REPAIRED IMMEDIATELY AND BETTER SECURED, EXPANDED ENLARGED OR AUGMENTED WITH ADDITIONAL EROSION AND SEDIMENT CONTROL PRACTICES.
AN ADDITIONAL 25 FEET OF WATTLES SHALL BE STORED IN A DRY SPACE ON SITE FOR EMERGENCY PURPOSES.



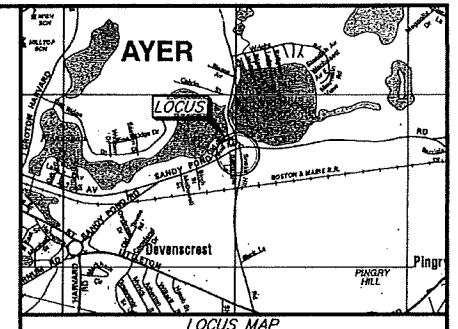
GAS VALVE BOX DETAIL
NOT TO SCALE



GATE VALVE DETAIL
NOT TO SCALE



WATER SERVICE CONNECTION
NOT TO SCALE



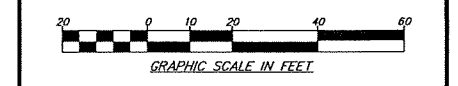
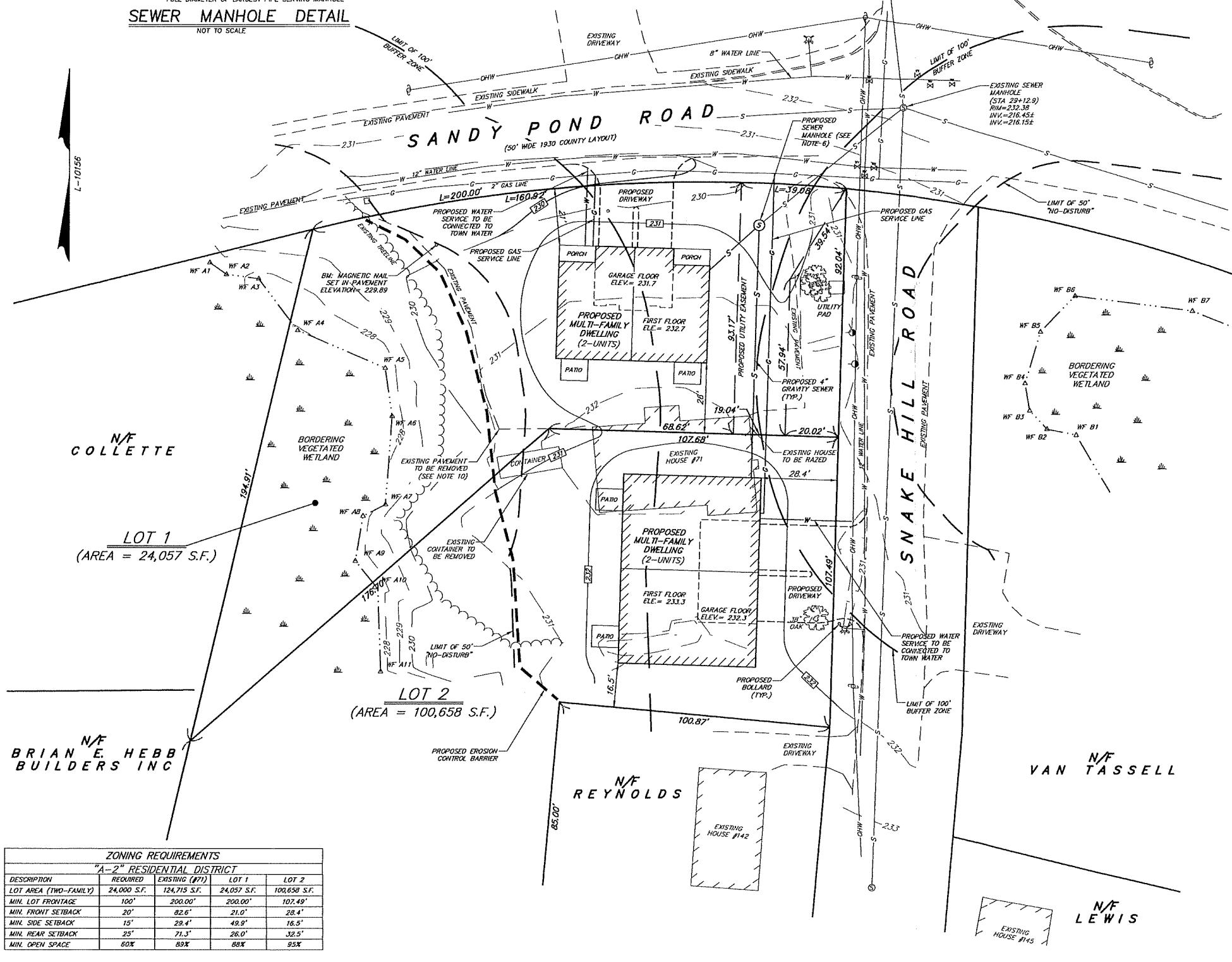
NOTES

THE EXISTING CONDITIONS AND TOPOGRAPHIC SURVEY WAS COMPLETED BY DAVID E. ROSS ASSOCIATES INC. IN MAY OF 2023.

WETLAND DELINEATION PERFORMED BY DAVID E. ROSS ASSOCIATES, INC. IN APRIL OF 2023.

TOPOGRAPHY SHOWN IS BASED ON NORTH AMERICAN VERTICAL DATUM OF 1983 (N.A.V.D. 83)

THE PLAN DEPICTS ONLY THOSE FEATURES THAT WERE VISUALLY APPARENT ON THE DATE OF TOPOGRAPHY AND THE ABSENCE OF SUBSURFACE STRUCTURES, UTILITIES, ETC. IS NOT INTENDED OR IMPLIED.



SURV:	SPM	CALC.:	KRC	DRAFT:	BJD
NO.:	844/30	DEED:	81572/347	CHECK:	DBW

REVISIONS

NO.	DESCRIPTION

DAVID E. ROSS
CIVIL ENGINEER
REGISTERED PROFESSIONAL ENGINEER
STATE OF MASSACHUSETTS
No. 5553
9-25-23

SITE TITLE: SITE PLAN

DESIGNED FOR: NORTH COUNTRY DEVELOPERS, LLC

ADDRESS: 71 SANDY POND ROAD, AYER, MA

LOT NO.:	ASSESSOR MAP:	ASSESSOR PARCEL:
1-2	29	1

DAVID E. ROSS ASSOCIATES, INC.

CIVIL ENGINEERS - LAND SURVEYORS
ENVIRONMENTAL CONSULTANTS

6 Lancaster County Road
P.O. Box 795
Harvard, MA 01451-0795

978-772-8232
FAX 978-772-8258
www.davidross.com

SCALE: 1"=20'
DATE: SEPTEMBER, 2023

REF.: L-10156
PLAN NO.: L-14703

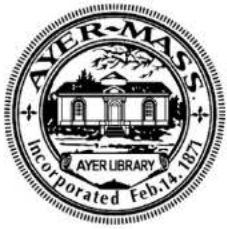
JOB NO.: 34325
SHEET NO.: 1 of 1

ZONING REQUIREMENTS

"A-2" RESIDENTIAL DISTRICT

DESCRIPTION	REQUIRED	EXISTING (#71)	LOT 1	LOT 2
LOT AREA (TWO-FAMILY)	24,000 S.F.	124,715 S.F.	24,057 S.F.	100,658 S.F.
MIN. LOT FRONTAGE	100'	200.00'	200.00'	107.49'
MIN. FRONT SETBACK	20'	82.6'	21.0'	28.4'
MIN. SIDE SETBACK	15'	29.4'	49.9'	16.5'
MIN. REAR SETBACK	25'	71.3'	26.0'	32.5'
MIN. OPEN SPACE	60%	89%	88%	95%

- CONSTRUCTION NOTES:**
- UNLESS OTHERWISE SHOWN OR SPECIFIED, ALL WORK, MATERIALS AND APPURTENANCES SHALL BE IN ACCORDANCE WITH THE MASSACHUSETTS HIGHWAY DEPARTMENT CONSTRUCTION STANDARDS AND SPECIFICATIONS, MUNICIPAL SPECIFICATIONS, AND INDIVIDUAL UTILITY COMPANY REQUIREMENTS.
 - ALL UTILITY WORK, MATERIALS AND APPURTENANCES SHALL ALSO BE IN ACCORDANCE WITH THE MANUFACTURERS' RECOMMENDATIONS.
 - CONTRACTOR SHALL CALL 1-888-DIG-SAFE (1-888-344-7233) AND OBTAIN A DIG SAFE NUMBER A MINIMUM OF 72 HOURS IN ADVANCE OF SUBSURFACE EXPLORATION OR INITIATION OF CONSTRUCTION, AS REQUIRED BY LAW.
 - THE CONTRACTOR SHALL VERIFY THE LOCATION AND ELEVATION OF UTILITIES PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL IDENTIFY ALL DOMESTIC WATER SERVICE LINES TO ENSURE A MINIMUM SEPARATION OF TEN FEET FROM ANY PROPOSED SEWER LINES. THE CONTRACTOR SHALL NOTIFY THE OWNER OF ANY CONDITIONS FOUND WHICH PROHIBIT THE PLACEMENT OF UTILITIES AS INDICATED.
 - PRIOR TO THE START OF CONSTRUCTION, THE EXISTING OFF-SITE AREAS, AND LOCAL STREET CONDITIONS (DRAINAGE, PAVEMENT, VEGETATION) SHOULD BE INSPECTED AND THEIR CONDITIONS NOTED AND/OR PHOTOGRAPHED.
 - THE CONTRACTOR SHALL FIELD VERIFY THE LOCATION AND ELEVATION OF THE EXISTING SEWER STUB PRIOR TO THE INITIATION OF CONSTRUCTION. ONCE IDENTIFIED, THE DESIGN ENGINEER SHALL PROVIDE THE FINAL LOCATION AND ELEVATIONS OF THE PROPOSED SEWER MANHOLE.
 - SEWER SERVICE INSTALLATIONS AND CONNECTION SHALL BE CARRIED OUT IN ACCORDANCE WITH THE REQUIREMENTS OF THE AYER SEWER RULES AND REGULATIONS (JUNE 2021).
 - THE BUILDING SEWER SHALL BE CONSTRUCTED FROM THE DOWNSTREAM END UP.
 - ANY PORTION OF THE EXISTING SYSTEM ENCOUNTERED DURING CONSTRUCTION SHALL BE PUMPED OUT, REMOVED AND BACKFILLED WITH CLEAN GRAVEL FILL.
 - THE EXISTING IMPERVIOUS PAVED AREA AT THE SITE TO BE REMOVED PRIOR TO CONSTRUCTION. ALL RESTORED AREAS, NOT COVERED WITH THE PROPOSED BUILDINGS AND DRIVEWAY, SHALL BE LOAMED AND SEEDED.

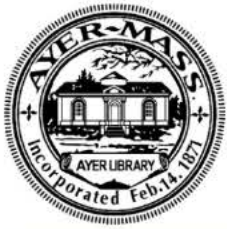


Town of Ayer
Zoning Board of Appeals
 Ayer Town Hall – 1 Main Street – Ayer, MA 01432

Department Head Review Summary

Applicant: North Country Developers
Address: 71 Sandy Pond Rd.
Application for: Special Permit

Department	Comments
Town Manager	Defer to ZBA
Board of Health	No issues if the property is on Town sewer and town water.
Department of Public Works	DPW has no comment for this Special Permit application
Fire Department	No Fire Department issues
Police Department	<ol style="list-style-type: none"> 1. Trash management plan? 2. Dumpster or curbside? 3. If curbside area for off street placement of receptacles (not on street)?
Building Commissioner/Zoning Enforcement Officer	Defer to ZBA
Conservation Commission/Agent	The proposed development is within the Conservation Commission 100ft buffer zone jurisdiction. A notice of intent has been filed and the Commission will open the hearing on 10/26. Regarding the proposed plan, landscaping has been left off the plans and should be requested. The site is previously disturbed and with new development proposed the site should be improved as part of the development. The Commission will be requesting as part of their approval plantings and ask the ZBA to do the same.
Treasurer/Tax Collector	Taxes owed. See attached.
Town Clerk	No Issues



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

Assessor	No Comment
Economic & Community Development	Recommend approval.
Town Planner	The applicant needs to submit for an ANR prior to receiving ZBA approval.

TOWN OF AYER



Real Estate Tax Statement

Parcel: 0029000001
 Location: 71 SANDY POND ROAD

Owner:
 CLARK GEOFFREY ERIC
 71 SANDY POND ROAD
 AYER MA 01432

Status:
 Total 2.290
 Deferr .000
 Land Valuation: 181,400
 Building Valuation: 246,100
 Exemptions: 0
 Taxable Valuation: 427,500
 Interest Per Diem: 1.59

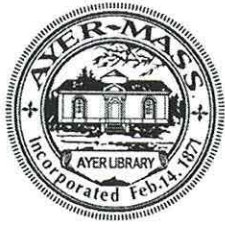
Legal Description:

Deed Date: 05/19/2022 Book/Page: 80147/292 Interest Date: 11/01/2023

Year	Type	Bill			
2024	RE-R	559			
Inst	Charge	Billed	Principal Due	Interest Due	Total Due
1	RESIDENTIA	1,360.57	1,360.57	48.01	1,408.58
	CPA SURCHA	40.82	40.82	1.44	42.26
		1,401.39	1,401.39	49.45	1,450.84
2	RESIDENTIA	1,360.57	1,360.57	0.00	1,360.57
	CPA SURCHA	40.82	40.82	0.00	40.82
		1,401.39	1,401.39	0.00	1,401.39
Year Totals		2,802.78	2,802.78	49.45	2,852.23

Year	Type	Bill			
2023	RE-R	3034			
Inst	Charge	Billed	Principal Due	Interest Due	Total Due
1	RESIDENTIA	1,361.80	0.00	0.00	0.00
	CPA SURCHA	40.85	0.00	0.00	0.00
	RE DEMAND	15.00	15.00	0.00	15.00
		1,417.65	15.00	0.00	15.00
2	RESIDENTIA	1,361.79	0.00	0.00	0.00
	CPA SURCHA	40.86	0.00	0.00	0.00
	RE DEMAND	0.00	0.00	0.00	0.00
		1,402.65	0.00	0.00	0.00
3	RESIDENTIA	1,292.98	0.00	0.00	0.00
	CPA SURCHA	38.79	0.00	0.00	0.00
	RE DEMAND	0.00	0.00	0.00	0.00
		1,331.77	0.00	0.00	0.00
4	RESIDENTIA	1,292.98	1,292.98	91.25	1,384.23
	CPA SURCHA	38.79	38.79	2.74	41.53
	RE DEMAND	0.00	0.00	0.00	0.00
		1,331.77	1,331.77	93.99	1,425.76
Year Totals		5,483.84	1,346.77	93.99	1,440.76
Grand Totals		8,286.62	4,149.55	143.44	4,292.99

** End of Report - Generated by Natalie **



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

Public Hearing Notice

The Ayer ZBA will be conducting a hybrid public hearing at 6:00pm on Wednesday November 15, 2023 at Ayer Town Hall, 1 Main Street, regarding an application submitted by Third Street Nominee Trust for the property located at 33 Third Street Ayer, MA. The applicant is seeking 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 on separate lots in the A-2 district. For more information, including Zoom/Call-in details please contact zba@ayer.ma.us or 978-772-8220 x 114.

Advertised: October 27, 2023 and November 3, 2023 – *The Nashoba Valley Voice*

RECEIVED
OCT 24 2023

TOWN OF AYER
TOWN CLERK

3:05 PM



**Town of Ayer
ZONING BOARD OF APPEALS
APPLICATION FOR A HEARING**

Name of Applicant: Third Street Nominee Trust Daniel Aho, Trustee
(Full Name)

P.O. Box 54 Rindge NH 03461
(Address)

[REDACTED]
(Phone Number)

[REDACTED]
(Email Address)

Applicant is: Owner Tenant Licensee Prospective Buyer*

**If you are a tenant, licensee or prospective buyer please include a letter from the property owner acknowledging the application with the Zoning Board of Appeals.*

The name and address of each holder or legal title to the land which is the subject of this petition (list as it appears on the Deed):

Third Street Nominee Trust Daniel Aho, Trustee

Location of Property:

33 Third Street-Ayer, Ma.

Assessor's Map 34 **Parcel** 136 **Land Size** 82,800 Sq. Ft.

Zoning District: A-1 A-2 GR GB DB LI I MUT HCS
Circle One

Registry of Deeds Book Bk.81584 **Page** 506

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

The undersigned hereby petitions the Town of Ayer Zoning Board of Appeals to vary the terms of the Zoning Bylaws for the following purpose:

A VARIANCE from the requirements of the Town of Ayer Zoning Bylaws

A SPECIAL PERMIT for a specific use which is subject the approval of the Zoning Board of Appeals

A SPECIAL PERMIT to expand, alter, or change a non-conforming use or structure.

ADMINISTRATIVE APPEAL (i.e. Building Inspector Decision)

Did you request a building permit from the Town of Ayer Building Inspector? No

If yes, were you denied a permit by the Town of Ayer Building Inspector? _____
If you were denied a permit, please attach a copy of the decision from Building Commissioner's Office.

State briefly the reasons for application and include the appropriate citation(s) from the Ayer Zoning Bylaw:

The subject property is situated within the Residence A-2 Zoning district and
Third Street Nominee Trust is applying for a Special Permit for the construction
of two 2-family dwellings each on an individual lot.

Date: 9/27/2023

Signed by Daniel Ober

(Petitioner)

[REDACTED]
(Daytime Phone Number)

[REDACTED]
(Email)

DAVID E. ROSS ASSOCIATES, INC.

Civil Engineers, Land Surveyors, Environmental Consultants

October 18, 2023

Board of Appeals

Town of Ayer
1 Main Street
Ayer, Ma. 01432

Re: Special Permit Application

Third Street Nominee Trust, Danial Aho Trustee
33 Third Street
Ayer, Ma.
Project No.34367

Dear Board Members,

On behalf of our client, Third Street Nominee Trust, enclosed please find a Special Permit Application for the construction of two 2-family dwellings on property located at 33 Third Street and located within the Residence A-2 Zoning District.

The property is situated on the southerly side of Third Street at the intersection of East Street. consisting of 1.90 Acres and contains an existing 2-family dwelling constructed in 1895. It is our client's intention to remove the existing house and divide the property into two separate lots each containing a proposed 2-family dwelling on each new lot. Currently the properties located at 15 & 17 Third Street, 10 Harvard Road and most of the residences on Marshall Street are two- family or multi-family dwellings. Therefore, this project will be consistent with the neighborhood and will not create any anticipated traffic or safety concerns. Pursuant to Chapter 320 Section 5.2 (Table of Use Regulations), a Special Permit is required from the Zoning Board of Appeals for this type of development. The proposed lot division conforms with the frontage and area requirements for a 2-family lot as outlined in Section 6.2 (Schedule of Dimensional Requirements) and will be consistent with lot sizes and uses for the properties in the direct vicinity.

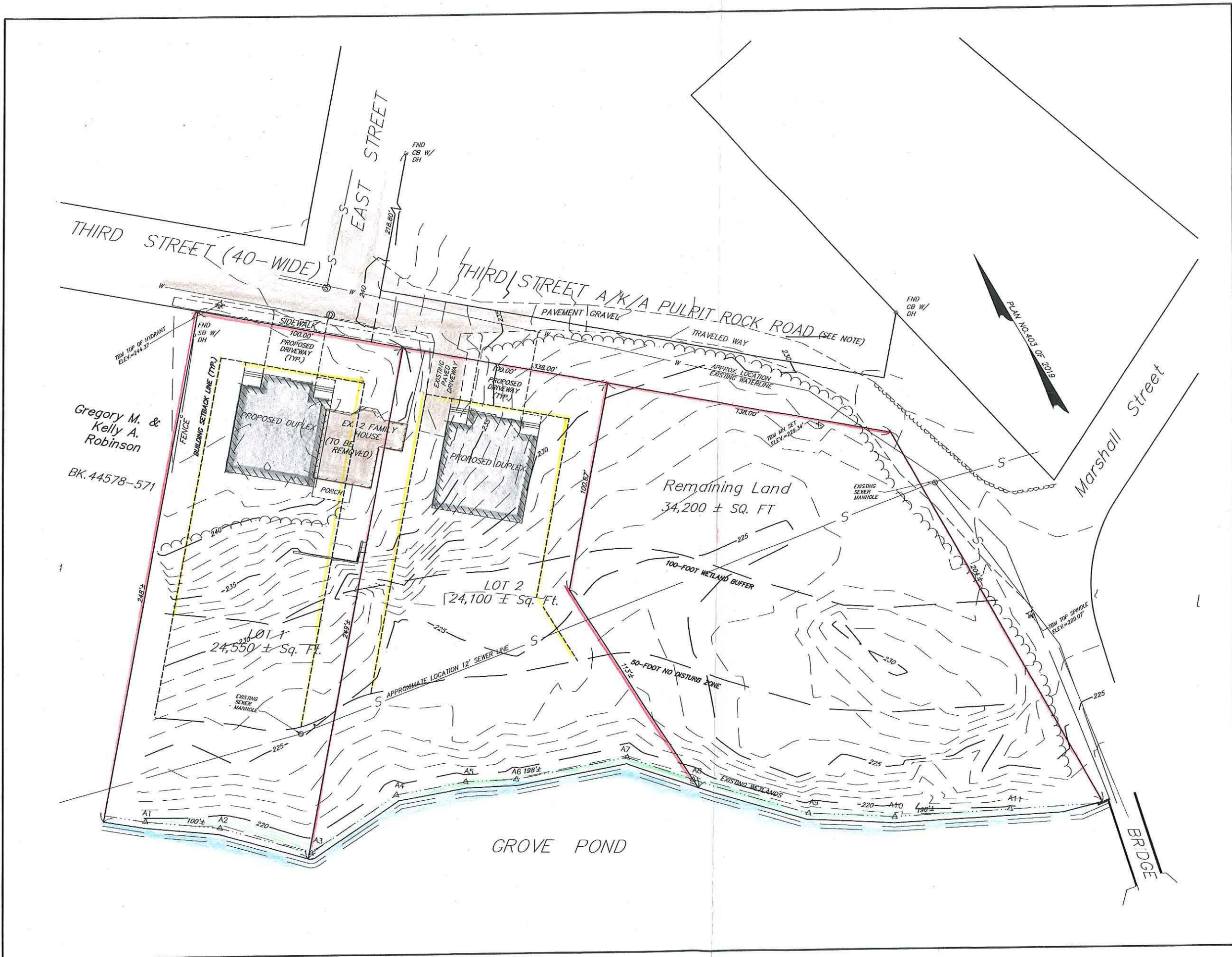
Please review the application and contact this office with any comments or questions.

Very Truly Yours;

David E. Ross Associates, Inc.:



Kevin R. Conover



Gregory M. &
Kelly A.
Robinson
BK. 44578-571

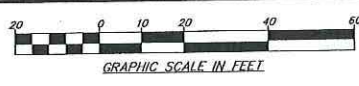
LOCUS MAP
NOT TO SCALE

ZONING CLASSIFICATION: RESIDENCE A-2

MIN. LOT AREA=12,000 S.F.
24,000 S. F. TWO-FAMILY
MIN. FRONT YARD=20- FEET
MIN. SIDE YARD=15- FEET
MIN. REAR YARD=25- FEET

PROPERTY IS LOCATED WITHIN THE AQUIFER PROTECTION OVERLAY DISTRICT (SEE SEC.320-B.1)

NOTES:
A PORTION OF THIRD STREET (A/K/A PULPIT ROCK ROAD) IS DEPICTED AS A 25'-WIDE TAKING BY THE TOWN OF AYER AS SHOWN ON A PLAN DATED SEPTEMBER 1906 AND RECORDED AT THE MIDDLESEX SOUTH DISTRICT REGISTRY OF DEEDS IN PL. BK.159-47.



SURV:	SPM/MSB	CALC.:	KRC	DRAFT:	KRC
NO.:	845-18	DEED:	BK.81584-506	CHECK:	RTC

REVISIONS



SHEET TITLE: SITE PLAN OF LAND

DESIGNED FOR: THIRD STREET NOMINEE TRUST

ADDRESS: THIRD STREET
AYER, MA

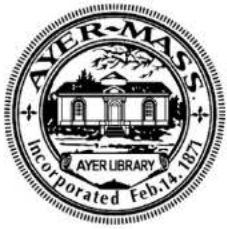
LOT NO.:	ASSESSOR MAP:	ASSESSOR PARCEL:
	34	136

DAVID E. ROSS ASSOCIATES, INC.
CIVIL ENGINEERS - LAND SURVEYORS
ENVIRONMENTAL CONSULTANTS

6 Lancaster County Road
P.O. Box 795
Harvard, MA 01451-0795

978-772-6232
FAX 978-772-6258
www.davidross.com

SCALE:	1"=20'	DATE:	AUGUST, 2023
REF.:	JOB#32754	PLAN NO.:	L-14695-ZBA
JOB NO.:	34367	SHEET NO.:	1 of 1



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

Department Head Review Summary

Applicant: Third Street Nominee Trust
Address: 33 Third St.
Application for: Special Permit

Department	Comments
Town Manager	Defer to ZBA
Board of Health	No issues of property is on town sewer and town water.
Department of Public Works	See attached
Fire Department	No Fire Department issues
Police Department	<ol style="list-style-type: none">1. Trash management plan?2. Dumpster or curbside?3. If curbside will there be an area for off street placement of receptacles (no on street).
Building Commissioner/Zoning Enforcement Officer	I have no issues with the duplexes.
Conservation Commission/Agent	Both "lots" have 100ft buffer zone located on them. Any work that would disturb this area will need to go to Conservation for approval. Mr. Aho has done several lots in town over the past several years and has always done a nice job protecting natural resources in the area.
Treasurer/Tax Collector	Owes taxes. See attachment
Town Clerk	No comment
Assessor	No Comment
Economic & Community Development	Recommend approval
Town Planner	No comment

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

November 6th, 2023

TO: Ayer Zoning Board of Appeals

**RE: Special Permit Application – 33 Third Street
Proposed Construction of Two 2-Family Dwellings
Ayer Department of Public Works Comments**

The Ayer Department of Public Works (DPW) has received the special permit application prepared by Daniel Aho (Petitioner) and David E. Ross Associates, Inc. (Engineer) for construction of two 2-family dwellings on the 33 Third Street property, which is proposed to be subdivided.

DPW does not have any concerns with the type of development proposed in this location. DPW has comments with this project that may not be germane to this special permit application but need to be brought to the Petitioner’s attention. These comments are as follows:

- DPW owns and maintains a 10” diameter sewer main that runs cross country through Lot 1, Lot 2, and the remaining land. There does not appear to be a utility easement for the Town sewer main through these lots. DPW requests the Petitioner and Engineer work with DPW to formalize a utility easement through these lots.
- There is a gravel roadway connecting Third Street and Marshall Street. The gravel roadway would allow access from Third Street or Marshall Street to the driveway on Lot 2. The gravel roadway appears to be partially out of the 25’ wide right-of-way and does not meet DPW standards. DPW requests the Petitioner and Engineer work with DPW to design and construct a roadway in this location as part of this proposed project.
- DPW is planning a drainage and pathway improvement project just south of where Third Street connects to Marshall Street. The project is planned to be bid this winter. DPW requests the Petitioner and Engineer to coordinate roadway improvements with the planned drainage and pathway project.

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 Hemon, P.E.
Town Engineer



TOWN OF AYER



Real Estate Tax Statement

Parcel: 0034000136
 Location: 33 THIRD STREET

Owner:
 CANTWELL ERIN K
 33 THIRD STREET
 AYER MA 01432

Status:
 Total 1.940
 Deferr .000
 Land Valuation: 180,300
 Building Valuation: 250,600
 Exemptions: 0
 Taxable Valuation: 430,900
 Interest Per Diem: 1.10

Legal Description:

Deed Date: 12/07/2021 Book/Page: 79296/96 Interest Date: 11/01/2023

Year	Type	Bill			
2024	RE-R	475			
Inst	Charge	Billed	Principal Due	Interest Due	Total Due
1	RESIDENTIA	1,371.40	1,371.40	48.39	1,419.79
	CPA SURCHA	41.14	41.14	1.45	42.59
		1,412.54	1,412.54	49.84	1,462.38
2	RESIDENTIA	1,371.39	1,371.39	0.00	1,371.39
	CPA SURCHA	41.14	41.14	0.00	41.14
		1,412.53	1,412.53	0.00	1,412.53
Year Totals		2,825.07	2,825.07	49.84	2,874.91

Year	Type	Bill			
2022	RE-R	2101			
Inst	Charge	Billed	Principal Due	Interest Due	Total Due
1	RESIDENTIA	1,268.55	0.00	0.00	0.00
	CPA SURCHA	38.05	0.00	0.00	0.00
	RE DEMAND	0.00	0.00	0.00	0.00
		1,306.60	0.00	0.00	0.00
2	RESIDENTIA	1,268.54	0.00	0.00	0.00
	CPA SURCHA	38.06	0.00	0.00	0.00
	RE DEMAND	0.00	0.00	0.00	0.00
		1,306.60	0.00	0.00	0.00
3	RESIDENTIA	1,414.12	0.00	0.00	0.00
	CPA SURCHA	42.42	0.00	0.00	0.00
	RE DEMAND	0.00	0.00	0.00	0.00
		1,456.54	0.00	0.00	0.00
4	RESIDENTIA	1,414.11	0.00	0.00	0.00
	CPA SURCHA	42.43	0.06	0.00	0.06
	RE DEMAND	15.00	0.00	0.00	0.00
		1,471.54	0.06	0.00	0.06
Year Totals		5,541.28	0.06	0.00	0.06
Grand Totals		8,366.35	2,825.13	49.84	2,874.97

** End of Report - Generated by Natalie **



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

Public Hearing Notice

The Ayer ZBA will be conducting a hybrid public hearing at 6:00pm on Wednesday November 15, 2023 at Ayer Town Hall, 1 Main St., regarding an application submitted by Kristina Young for the property located at 3 Bennetts Crossing Ayer, MA. The applicant is seeking a Special Permit pursuant to Ayer Zoning Bylaw Section 5.2.1.10 (Table of Use Regulations – Residential Uses) to allow for a Home Occupation in the A-2 district. For more information, including Zoom/Call-in details please contact zba@ayer.ma.us or 978-772-8220 x 114.

Advertised: November 1, 2023 and November 8, 2023 – *The Lowell Sun*

RECEIVED
OCT 26 2023

TOWN OF AYER
TOWN CLERK

1:30pm



Town of Ayer
ZONING BOARD OF APPEALS
APPLICATION FOR A HEARING

Name of Applicant: Kristina Young
(Full Name)

3 Bennetts Crossing
(Address)

[Redacted]
(Phone Number)

[Redacted]
(Email Address)

[Redacted]

Applicant is: Owner Tenant Licensee Prospective Buyer*

*If you are a tenant, licensee or prospective buyer please include a letter from the property owner acknowledging the application with the Zoning Board of Appeals.

The name and address of each holder or legal title to the land which is the subject of this petition (list as it appears on the Deed):

Earle Young 3 Bennetts Crossing Ayer

Location of Property:

3 Bennetts Crossing, Ayer

Assessor's Map 36 Parcel 29 Land Size 0.3953 Acres

Zoning District: A-1 A-2 GR GB DB LI I MUT HCS
Circle One

Registry of Deeds Book 42562 Page 0311

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

The undersigned hereby petitions the Town of Ayer Zoning Board of Appeals to vary the terms of the Zoning Bylaws for the following purpose:

A VARIANCE from the requirements of the Town of Ayer Zoning Bylaws

A SPECIAL PERMIT for a specific use which is subject the approval of the Zoning Board of Appeals

A SPECIAL PERMIT to expand, alter, or change a non-conforming use or structure.

ADMINISTRATIVE APPEAL (i.e. Building Inspector Decision)

Did you request a building permit from the Town of Ayer Building Inspector?

If yes, were you denied a permit by the Town of Ayer Building Inspector?
If you were denied a permit, please attach a copy of the decision from Building Commissioner's Office.

State briefly the reasons for application and include the appropriate citation(s) from the Ayer Zoning Bylaw:

Seeking special permit to allow pick up
of products from a home based business.
"Curb side" pickup only.
Section 5.2 Class of use 1.10 Home Occupation

Date: 10/24/23

Signed by [Signature]
(Petitioner)

[Redacted]
(Daytime Phone Number)

[Redacted]
(Email)

Kristina Young
Kailey Young
3 Bennetts Crossing
Ayer, MA 01432

October 25, 2023

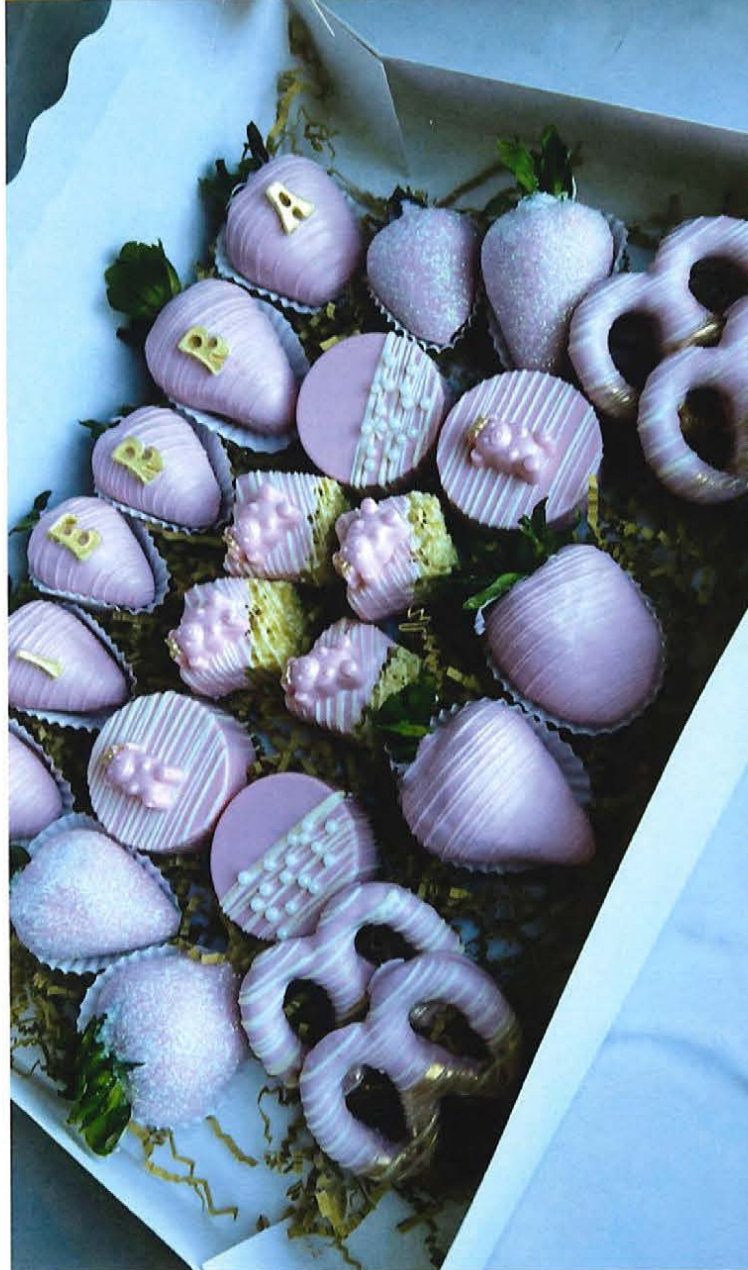
Dear Zoning Board,

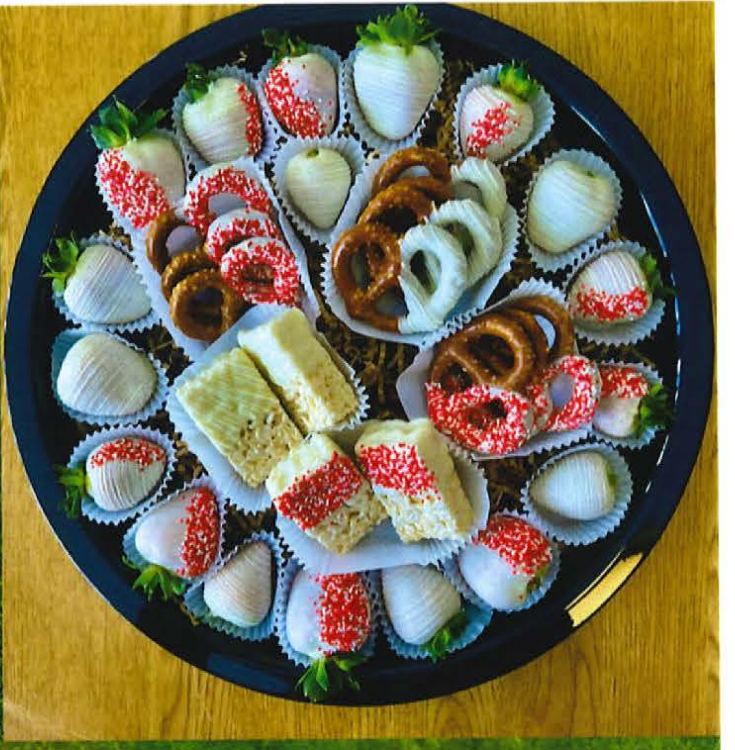
Our names are Kristina Young and Kailey Young, and together we have teamed up to create the "Sugar Mamas". We are a mother and daughter-in-law duo, two stay at home moms, who are seeking a special permit to run a small business out of the home of Kristina Young at 3 Bennetts Crossing in Ayer. Our business will be focused on chocolate dipped treats such as chocolate dipped strawberries, chocolate dipped Rice Krispy treats, chocolate dipped Oreo cookies and chocolate dipped pretzels. We will be creating gift boxes by custom order and request by our customers. We will be using social media as our main platform for selling the items on our menu and this business will involve customers picking up their orders via curbside pickup, during the set business hours of 9-6. We both have many years of experience creating these treat boxes for our families and friends as gifts and would love to share our talents with others for their gift giving needs. We will be following all the appropriate steps in order to be certified through the Board of Health including becoming Allergy Certified and listing all ingredients on all our packages. We have included examples of our work and our products that we would love to offer to the public and bring a little sweetness into our community.

Thank you so much for your time and we appreciate your consideration.

Sincerely,
Kristina Young and Kailey Young









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

Department Head Review Summary

Applicant: Kristina Young
Address: 3 Bennetts Crossing
Application for: Special Permit

Department	Comments
Town Manager	
Board of Health	The applicant will need to obtain a food permit for a residential kitchen and inspection.
Department of Public Works	No Comment
Fire Department	No Fire Department issues.
Police Department	<ol style="list-style-type: none"> 1. What are the expected traffic increases on road? 2. Parking Plan?
Building Commissioner/Zoning Enforcement Officer	No issues as long as they are certified by the BOH and the neighbors have no issues.
Conservation Commission/Agent	The Commission has no jurisdiction on this application. No Comment.
Treasurer/Tax Collector	No Comment
Town Clerk	No issues with my office.
Assessor	No Comments
Economic & Community Development	<p>Will the residential property have commercial signage for the “Sugar Mamas”?</p> <p>Will the business operators encourage customers to pick-up product at the residential property?</p> <p>Will there be a significant number of delivery vehicles arriving and departing from the property.</p>
Town Planner	The applicant should just make sure that when customers come to pick-up their orders, they do not cause any traffic issues on Bennetts Crossing. Customers should park in the applicants driveway when picking up.



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

Wednesday, October 18, 2023
In-person Open Session Meeting Minutes

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

Also Present: Samantha Benoit, Administrative Coordinator

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

Approval of the Agenda: M. Gibbons made a motion to approve the agenda as written.

Seconded: R. Defilippo

Motion Passed (5-0)

**Public Hearing – Application for a Special Permit – Raymond Maguire Street – 20 Wright Rd.
(Filed September 27, 2023)**

S. Goodwin opened the public hearing at 6:01pm by reading the public hearing notice as published in *The Lowell Sun* on October 3, 2023, and October 10, 2023. The applicant is seeking a Special Permit pursuant to Ayer Zoning Bylaw Section 7.6.C (Reconstruction after Catastrophe) in which a pre-existing nonconforming structure damaged by fire or other causes may be reconstructed at a greater volume or area than the original nonconforming structure.

The applicant Raymond Maguire and his son-in-law Keyan Hoos represented themselves. K. Hoos explained that the family home had burnt earlier in the year. They would like to rebuild on the same foundation, using the same footprint but would like to add a room above the garage that had not previously existed, adding 698 square feet to the home.

R. Maguire explained that the family is growing, and they would like a little more room than they previously had.

J. Ellis noted that there were trailers currently on the property, and asked if they would stay after the house was built.

R. Maguire explained that they were provided by the insurance company but would not be staying.

R. Defilippo asked if this would be a one- or two-family home.

K. Hoos explained it would be a one- family home, they were just looking to add some more space for everyone.

Motion: M. Gibbons made a motion to grant a Special Permit pursuant to Ayer Zoning Bylaw Section 7.6.C (Reconstruction after Catastrophe) in which a pre-existing nonconforming structure damaged by fire or other causes may be reconstructed at a greater volume or area than the original nonconforming structure

Seconded: S. Goodwin

Motion Passed (5-0)

Motion: S. Goodwin made a motion to close the public hearing at 6:12pm.

Seconded: M Gibbons

Motion Passed (5-0)

Motion: S. Goodwin made a motion to accept the minutes of the September 20, 2023 meeting.

Seconded: M. Gibbons

Motion Passed (5-0)

Board Discussion:

The Board held a discussion in which a rough draft of the Rules and Procedures of the assessed and edited.

A copy of the draft is to be included with the minutes.

Topics of discussion included Variances, Special Permits, Administrative Appeals, the application process, notices of decision and findings of fact.

Corrections were made to grammatical errors, and some references to M.G.L.

S. Goodwin asked that the draft be reviewed by Town Council before the Board would vote to accept the Rules and Procedures. The rest of the Board agreed.

The discussion of the Hearing Application was tabled until the following meeting.

Motion: M. Gibbons made a motion to adjourn the meeting.

Seconded by S. Goodwin

Motion Passed (5-0)

Meeting Adjourned at 8:17pm

Minutes Submitted by Samantha Benoit, Administrative Coordinator

Date Minutes Approved by the ZBA: _____

Signature of ZBA Clerk, Indicating Approval: _____