



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

Wednesday July 19, 2023

6:00 PM

Remote Participation Meeting Agenda

9:30am (C)
RECEIVED
JUL 14 2023
TOWN OF AYER
TOWN CLERK

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.

6:00 PM **Call to Order**

Approval of Agenda

Public Hearing – Application for Variance – Tim Santiago

1 Wright Way (Filed June 7, 2023)

Approval of Meeting Minutes

June 21, 2023

Board Discussion

Adjournment

The next regularly scheduled ZBA Meeting is Wednesday July 19, 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 remote public hearing at 6:00pm on July 19, 2023 regarding an application submitted by Tim Santiago for the property located at 1 Wright Way Ayer, MA. 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. For Zoom/Call-In information please contact zba@ayer.ma.us or 978-772-8220 x 114.

Advertised: June 30, 2023 and July 7, 2023 – *The Nashoba Valley Voice*

DAVID E. ROSS ASSOCIATES, INC.

Civil Engineers, Land Surveyors, Environmental Consultants

June, 2 2023

Board of Appeals
Town of Ayer
1 Main Street
Ayer, Ma. 01432

Re: Variance Request Application

Tim Santiago
1 Wright Way
Ayer, Ma.
Project No.34263

Dear Board Members,

On behalf of our client, Tim Santiago from 1 Wright Way, please find the application and related documentation for a variance request from The Board of Appeals to allow the division of the existing property as described into two lots, with one lot having less than the required lot area. The property is currently owned by Jimmy & Kathleen Santiago and the applicant, Tim Santiago, wishes to construct a single family house on Lot 1-B.

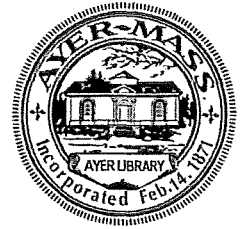
The property is located on the westerly side of Wright Way with an existing single family house and a detached garage and is located within the A-2 Zoning District which requires a minimum lot frontage of 100-feet and a minimum lot area of 12,000 Square Feet. As depicted on the Plot Plan prepared by this office dated April 5, 2023, the proposed lot division creates Lot 1-A with 12,005 Square Feet with a total frontage of 116.21'. Lot 1-B would contain 8,695 Square Feet with 123.55' of frontage on Wright Way and 20.34' of frontage on Wright Road.

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

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



Kevin R. Conover



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

Name of Applicant: Tim Santiago
(Full Name)

1 Wright Way Ayer, Ma. 01432
(Address)

978-732-3327
(Phone Number)

timsantiago30@gmail.com
(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):

Jimmy & Kathleen Santiago

Location of Property:

1 Wright Way Ayer, Ma. 01432

Assessor's Map 15 **Parcel** 33 **Land Size** 20,700 Sq. Ft.

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

Registry of Deeds Book 38650 **Page** 248

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 petitioner is seeking a variance from the required area requirements for
property located with the A-2 Zoning District which requires 12,000 Sq. Ft.
Proposed Lot 1-A will contain 12,005 Sq. Ft. and 116.21' of frontage and proposed
Lot 1-B will contain 8,695 Sq. Ft. and 123.55' of frontage on Wright Way.

Date: 4/26/23

Signed by Tim Santiago
(Petitioner)

(Daytime Phone Number)
timsantiago30@gmail.com
(Email)

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

Certified Plot Plan

#1 Wright Way

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

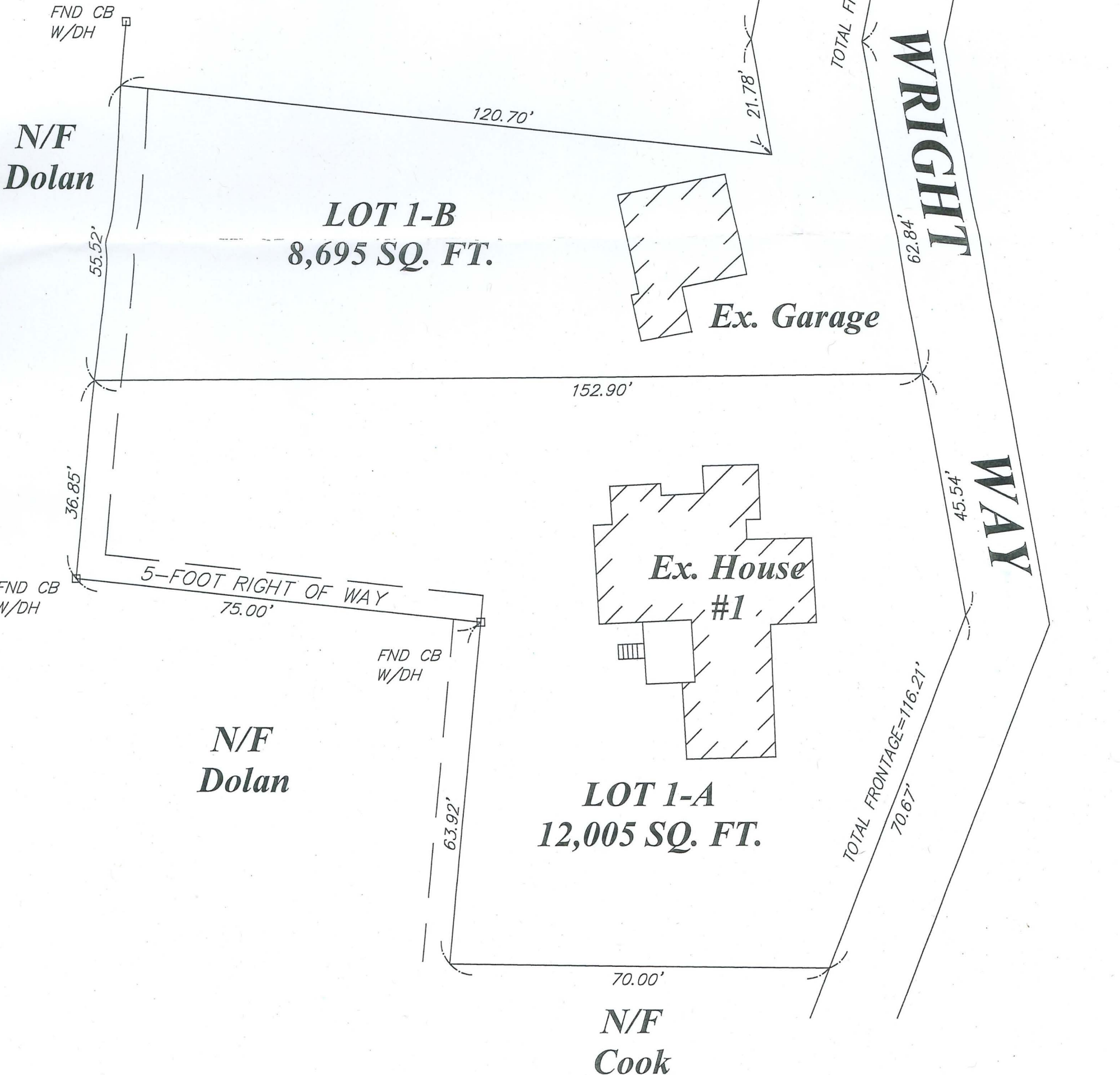


Robert T. Conway
SURVEYOR
4/5/2023

Scale: 1"=20'

Zoning Classification: Residence A-2
Min. Lot Area=12,000 Sq. Ft.
Min. Lot Frontage=100 Feet

N/F
Lake Investment
Trust



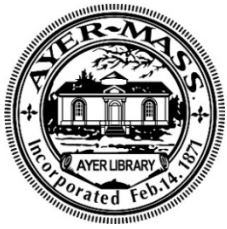


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Department Head Review Summary

*Applicant: Tim Santiago
 Address: 1 Wright Way
 Application for: Variance*

Department	Comments
Town Manager	Defer to ZBA
Board of Health	No issues as long as the properties are on town sewer and town water.
Department of Public Works	No comments regarding the variance and proposed division. DPW to review water and sewer connection plan for approval at a later date if house is constructed.
Fire Department	No Fire Department issues
Police Department	Questions regarding the parking plan for both 1-A and 1-B. It appears 1-B was the parking area for 1-A (a garage), where are 1-A vehicles going to park? Where are 1-B vehicles going to park?
Building Commissioner/Zoning Enforcement Officer	No issues if neighbors have none.
Conservation Commission/Agent	The property line is approx. 150ft from the pond, so the property is outside of the conservation jurisdiction. The Board should know that dense development along the pond can have effects on pond health. Allowing for a new developable lot can have negative environmental impacts.
Treasurer/Tax Collector	No Comment.
Town Clerk	No Issues
Assessor	No Comment.
Economic & Community Development	Recommend Approval
Town Planner	



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

Wednesday, June 21, 2023

Remote Participation Open Session Meeting Minutes

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

Absent: John Ellis

Also Present: Samantha Benoit, Administrative Coordinator

Call to Order: S. Goodwin called the meeting to order at 6:04pm. 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: M. Gibbons made a motion to approve the agenda as written. Seconded by J. Gugino.

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

Motion Passed (5-0)

Public Hearing – Application for a Variance – Littleton Road Realty, Inc. – 38 Littleton Rd. (Filed May 15, 2023).

S. Goodwin opened the public hearing at 6:07pm by reading the public hearing notice as published in *The Nashoba Valley Voice* on June 2, 2023, and June 9, 2023. The applicant is seeking a Variance pursuant to the Ayer Zoning Bylaw Section 9.5.5 (Size of Signs) in which the maximum height allowed is fifteen feet.

Tony Marciello, of Sunshine Sign, representing Littleton Road Realty, Inc. shared a brief explanation as the need of this variance. He explained that given the shape of the building it is difficult to have the sign at 15 feet or lower. There is a pre-existing awning above the entrance that makes it impossible to put a sign at 15 feet. The purpose of this sign is to direct customers to the primary entrance to the building.

S. Goodwin asked for clarification as to how this sign will direct people to the main entrance.

T. Marciello explained that by having the sign above the main entrance people will be more apt to use that door to enter the building. He also noted that the sign will make the building look more like a business. There is no feasible alternative location given the shape of the building without removing the awning.

S. Goodwin clarified that only a height variance is being requested.

T. Marciello confirmed that only a height variance is needed.

S. Goodwin asked the other Board members to give their thoughts.

All Board members had no issues with the request, and understand the need given the structure of the building.

S. Goodwin opened the hearing to public comment.

No members of the public spoke.

Motion: M. Gibbons made a motion to grant a Variance pursuant to Ayer Zoning Bylaw Section 9.5.5 (Size of Signs) to allow a maximum height of twenty-one feet where fifteen feet is allowed.

Seconded: J. Gugino

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

Motion Passed (5-0)

Motion: S. Goodwin made a motion to close the hearing of Littleton Road Realty, Inc. for a Variance at 6:18pm.

Seconded by M. Gibbons

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

Motion Passed (5-0)

Motion: S. Goodwin made a motion to accept the meeting minutes of April 19, 2023.

Seconded: M. Gibbons.

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

Motion Passed (5-0)

Board Discussion

M. Gibbons would like to review and update the Boards Rules and Procedures.

S. Goodwin believes an in-person meeting at Town Hall would be the best way to accomplish this, so that the Board members could discuss face-to-face. He suggested a meeting in September or October in which that is the only item on the agenda.

R. DeFilippo would also like to have the Rules and Procedures update. He also stated that he understands the the Zoom meetings are convenient but would like to go back to in person meetings. He feels more can be gained by speaking face-to-face.

J. Gugino also noted that if the Board is deciding between in-person or remote meeting the Board should try to be consistent, and not change each month.

S. Goodwin did note that he travels frequently and therefore remote meetings are easier, but he can work to accommodate the Board's meeting schedule.

S. Benoit would like to update the hearing application so make is more extensive and give the Board more information upfront about a particular applicant. She offered to send a draft for the Board to review.

J. Gugino asked that the Rules and Procedures be resent to the Board along with the draft hearing application.

Motion: S. Goodwin made a motion to adjourn the meeting.

Seconded by M. Gibbons

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

Motion Passed (5-0)

Meeting Adjourned at 6:29pm

Minutes Submitted by Samantha Benoit, Administrative Coordinator

Date Minutes Approved by the ZBA: _____

Signature of ZBA Clerk, Indicating Approval: _____