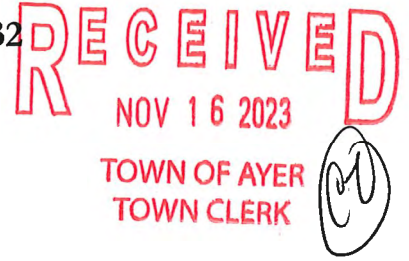




Town of Ayer  
**Zoning Board of Appeals**  
Ayer Town Hall – 1 Main Street – Ayer, MA 01432



**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 was 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: November 15, 2023

Signature of ZBA Clerk, Indicating Approval: Samuel A. Goodwin Jr



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

**Rules and Procedures**

**Draft**

**Section I – AUTHORITY**

The Ayer Zoning Board of Appeals, pursuant to the provisions of Massachusetts General Laws, Chapters 40A, Section 12, hereby adopts the following Rules and Procedures governing the organization, procedures and conduct of the Board, and governing review and action on special permits, variances, appeals, and comprehensive permits.

These Rules shall be on file with Ayer Town Clerk and with the Administrative Coordinator for the Zoning Board of Appeals. Amendments to these Rules may be made from time to time and shall become effective upon the filing with the Town Clerk and shall supersede any previous filings.

**Section II – BOARD ORGANIZATION**

**A. Members and Terms**

- a. The Ayer Zoning Board of Appeals shall consist of five (5) members appointed by the Select Board.
- b. The Board may have up to two (2) alternate members appointed by the Select Board.
- c. Each member shall serve a three (3) year term.

**B. Elections**

- a. The Board shall reorganize itself annually subsequent to board member appointments.
- b. Alternate members shall not vote to elect officers, nor shall they serve as officers.

**C. Officers and Staff**

- a. Chair – The Chair shall preside over all hearings and meetings of the Zoning Board of Appeals. The Chair is responsible for the orderly conduct of the Board, and shall rule on points of order, unless overruled by a majority of the Board present at that time.
- b. Vice-Chair – The Vice-Chair shall act as Chair when the Chair is absent or is unable to perform their duties.
- c. Clerk – The Clerk shall serve as chair in the absence of both the Chair and Vice-Chair
- d. Alternate Members – An Alternate Member shall sit on the Board in the case of absence, inability to act, conflict of interest on the part of any member, or in the case of a vacancy of the regular membership.

- e. Administrative Coordinator – All clerical work shall be undertaken by the Administrative Coordinator under the direction of the Board and the Town Manager. This shall include all Board correspondence, sending of notices required by law, receive and review all applications, keep minutes of all meetings, and compile and maintain all records and files.
- D. Quorum
- a. The minimum quorum is four (4) members.

### **Section III – TYPES OF APPLICATIONS.**

A. Variance

Filed when owing to circumstances relating to soil conditions, shape or topography of specific land or structures and especially affecting such land or structure but not affecting generally the zoning district in which it is located, a literal enforcement of the provisions of the Ayer Zoning Bylaws would involve substantial hardship, financial or otherwise, to the petitioner and when desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the Ayer Zoning Bylaws.

B. Special Permit

Filed when the Zoning Board of Appeals has been designated at the Special Permit granting authority per the Ayer Zoning Bylaws. When specific uses, increases in density or special or related zoning requirements are authorized in the Zoning By-Law through the special permit process. Special permits may be issued only for uses that are in harmony with the general purpose and intent of the Zoning By-Law and meet the specific requirements therefor set forth in the Zoning By-Law

C. Administrative Appeal

Any person aggrieved by reason of his or her inability to obtain a permit or enforcement action from the Building Commissioner, or his or her designee, or from any administrative officer under the provisions of G.L. c. 40A.

Any regional planning agency in whose area the town is situated.

Any person, including an officer or board of the town, or of an abutting city or town aggrieved by an order or decision of the Building Commissioner of said Brookline, a building inspector or other administrative official, in violation of any provisions of G.L. c. 40A or the Brookline Zoning By-Law

D. Comprehensive Permit

to build low or moderate income housing may be filed by any public agency or by a limited dividend or non-profit organization that owns or holds ownership or purchase rights in the subject property.

### **Section III – APPLICATION PROCESS**

**Section IV – HEARING**  
**Section V - DECISION**