

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



Wednesday October 21, 2015
Open Session Meeting Minutes

Recorded by APAC

Present: Sam Goodwin, Chair; Christa Maxant, Clerk; Michael Gibbons; John Ellis; Ron DeFilippo

Absent: Jeremy Callahan (Alternate)

Call to Order: S. Goodwin called the meeting to order at 7:00 PM.

Approval of Agenda:

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

Public Hearing - Application for Finding and Variance – Welch, Colleen and John - 113

Groton School Road (Filed September 10, 2015): S. Goodwin opened the public hearing at 7:01 PM by reading the Public Hearing Announcement as advertised in the *Nashoba Valley Voice* on September 25, 2015 and October 2, 2015.

Kevin Conover from David E. Ross Associates, Inc. was in attendance with both the applicant Jason Welch, son of John and Colleen Welch and the General Contractor Marc Monahan. Mr. Conover explained that his client is attempting to add an addition to his home for his aging mother. The addition will conform to the setbacks mandated in the A-2 Zoning District.

S. Goodwin stated that there are two issues that the ZBA has on the table in front of them. The first being the alteration of a pre-existing nonconforming structure per 4.3.3.d.1; the second being a variance for the conversion of a single family dwelling to a two family dwelling per 3.3.1.2.c.

S. Goodwin asked if there was public input.

Leann Rodrigues that as an abutter she is concerned with this project and the effect it will have on the neighborhood. She stated that two-family homes often become rental properties and are not cared for as well.

Bridgette Oliver, 2 Amandry Way stated that this is a single family neighborhood and by allowing this, it will create a slippery slope.

The applicant's son Jason Welch stated that he is not going anywhere and he was simply trying to accommodate for his aging mother. He went on to further state that the addition will be run on the same utility service and they were not adding a separate service.

S. Goodwin asked what the will of the Board was. They had the two items to deal with, the finding and the variance.

Motion: A motion was made by M. Gibbons and seconded by R. Defilippo, pursuant to Ayer Zoning Bylaw 4.3.3.d.1, to find that the addition to this pre-existing non-conforming structure is not more detrimental to the neighborhood than the existing non-conforming structure. **Motion passed 5-0.**

In reviewing the Bylaw the ZBA questioned whether or not a variance was actually needed because under Ayer Zoning Bylaw 3.3.1.2.c, the conversion of a single family dwelling to a two family dwelling is a permitted use in the A-2 Zoning District.

Motion: A motion was made by M. Gibbons and seconded by J. Ellis to also find, pursuant to the first finding, that the conversion of a single family dwelling to a two family dwelling (3.3.1.2.C3) is a permitted use in Zoning District A-2. **Motion passed 4-1.**

Motion: A motion was made by S. Goodwin and seconded by C. Maxant to close the public hearing at 8:01 PM. **Motion passed 5-0.**

Discussion Items: S. Goodwin informed the Board that Planning Board had invited him to a workshop on November 5, 2015 at 6:00 PM to meet with the consultant whom the Planning Board has hired to assist in updating the Zoning Bylaw.

Approval of Meeting Minutes: C. Antonellis explained that the minutes from the DRAFT version to the version in front of them had one change, as requested by R. Defilippo, specifically deleting a reference on the third page of R. Defilippo that the issue was "an unfortunate mistake".

Motion: A motion was made by C. Maxant and seconded by R. Defilippo to approve September 16, 2015 meeting minutes, as amended. **Motion passed 5-0.**

Adjournment:

Motion: A motion was made by J. Ellis and seconded by M. Gibbons to adjourn at 8:13 PM.

Motion passed 5-0.

Minutes Recorded and Submitted by Carly M. Antonellis

Date Minutes Approved by ZBA: 12/16/15

Christa Maxant, Clerk:

