

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



Wednesday September 16, 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 J. Ellis and seconded by M. Gibbons to approve the agenda as printed. **Motion passed 5-0.**

Continued Public Hearing from August 19, 2015 - Application for Special Permit – Fuchser,

Antonella; 84A Groton School Road (Filed July 24, 2015): S. Goodwin gave a brief history of the application. The applicant is seeking two items: a special permit per Ayer Zoning Bylaw 4.3 Nonconforming Structures and 4.4 Table of Use subsection 1.3 for conversion of a single family dwelling to a two family dwelling. At the initial public hearing date of August 19, 2015, the ZBA granted the applicant the special permit for alteration of a pre-existing nonconforming structure per Ayer Zoning Bylaw 4.3 and continued the Public Hearing because of concerns raised by the Board of Health as it relates to Title 5. Since the August 19, 2015 the concerns by the Board of Health have been satisfied. The applicant is deed restricting the residence to four bedrooms, therefore no additional bedrooms can be added.

Motion: A motion was made by M. Gibbons and seconded by J. Ellis to grant a special permit to allow for the conversion of a single family dwelling to a two family dwelling. **Motion passed 5-0.**

Motion: A motion was made by M. Gibbons and seconded by J. Ellis to close the public hearing at 7:15 PM. **Motion passed 5-0.**

Public Hearing – Application for Variance- Assessor’s Map 36, Parcel 70 Apple blossom

Drive (Filed 8/21/15): S. Goodwin opened the Public Hearing at 7:16 PM by reading the Public Hearing Notice as advertised in the *Ayer Public Spirit* on August 28, 2015 and September 4, 2015.

Mr. Steve Mullaney from Mullaney Engineering, Inc. and Mr. Rick Roper from Ridgeview Realty Trust were present to explain the application for a variance from Ayer Zoning Bylaw section 5.12 to allow a front yard of less than 35 feet. The applicant is seeking 31.5 feet.

Mr. Mullaney explained that from the time the preliminary plot plan was submitted, the stakes were inadvertently moved and the foundation was poured, thereby causing an error. He further stated that the Planning Board's subdivision approval identifies Appleblossom Drive as a minor street and requires a 50 foot minimum right of way, a 36 foot minimum pavement width and a sidewalk on at least one side; Appleblossom Drive has a 60 foot right of way; the Planning Board granted a waiver to reduce pavement width to 24 feet and to require a sidewalk only on the opposite side of the street. He stated that these aforementioned circumstances mitigate the appearance of the violation.

Mr. Roper stated that the house is framed and when the violation became obvious he stopped doing work until the matter was rectified. He said if he had to tear down the structure and move the foundation it would cost upwards of \$100,000. He also stated that the building materials could not be reused.

S. Goodwin then read the letter from the Building Commissioner stating his objections to the project.

Mr. Roper and Mr. Mullaney again stated that because the stakes were moved after the trees were cut, it caused the error.

C. Maxant stated that she was concerned about the building materials not being able to be reused. She also wanted to make sure that the lot and/or house wasn't being "shoehorned" into the development.

Mr. Roper and Mr. Mullaney said that all the lots were already laid out per the Planning Board Subdivision Approval process.

S. Goodwin asked if the engineer could produce a plot plan showing the original building envelope.

S. Mullaney said that he could send it on the morning of Thursday September 17, 2015.

Motion: A motion was made by C. Maxant and seconded by J. Ellis to conditionally approve the variance pending receipt of plot plan time and date stamped by a certified architect/engineer.

Motion passed 5-0.

Motion: A motion was made by M. Gibbons and seconded by J. Ellis to close the public hearing at 7:45 PM. **Motion passed 5-0.**

Discussion Items:

Zoning Bylaw Update - S. Goodwin spoke of the needed revisions to the Ayer Zoning Bylaw. Though this is the jurisdiction of the Planning Board, he feels that the Zoning Board of Appeals should

weigh in formally, since they are on the front lines, dealing with all the applications for variances/special permits.

The last revision to the Bylaw was 2009; there was a change proposal in 2011 that failed at Town Meeting. S. Goodwin would like to go through line by line and see what the differences were from the 2009 current bylaw and the 2011 proposal.

C. Antonellis stated that she is sure there is a document that already exists from 2011, that details the changes. She will look into further and send document to the Board.

Appointment to the Comprehensive Plan Committee -

Motion: A motion was made by M. Gibbons and seconded C. Maxant to appoint Mr. John Ellis as the ZBA representative to the Comprehensive Plan Committee. **Motion passed 5-0.**

Approval of Meeting Minutes:

Motion: A motion was made by J. Ellis and seconded M. Gibbons to approve the meeting minutes from August 19, 2015. **Motion passed 5-0.**

Adjournment:

Motion: A motion was made by M. Gibbons and seconded R. Defilippo to adjourn at 8:07 PM.
Motion passed 5-0.

Minutes Recorded and Submitted by Carly M. Antonellis

Date Minutes Approved by ZBA: _____

10/21/15

Christa Maxant, Clerk: _____

