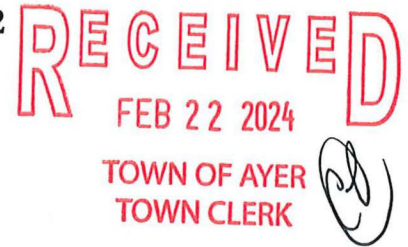




Town of Ayer  
**Zoning Board of Appeals**  
Ayer Town Hall – 1 Main Street – Ayer, MA 01432

**Wednesday December 20, 2023**  
**Hybrid Open Session Meeting Minutes**



**This meeting was recorded by APAC.**

**Present:** Samuel Goodwin, Chair; Ronald Defilippo, Clerk; Jess Gugino (via Zoom); John Ellis

**Absent:** Michael Gibbons, Vice-Chair; Marilyn Schmalenberger, Alternate Member

**Also Present:** Samantha Benoit, Administrative Coordinator; Danny Ruiz, Town Planner

**Call to Order:** S. Goodwin called the meeting to order at 6:00pm. He stated that 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](mailto:zba@ayer.ma.us) or 978-772-8220 ext. 114 prior to the meeting.

**Approval of the Agenda:** S. Goodwin made a motion to approve the agenda as written.  
Seconded: J. Ellis

**Roll Call Vote:** J. Gugino, aye; R. DeFilippo, aye; J. Ellis, aye; S. Goodwin, aye.

**Motion Passed (4-0)**

Town Manager, Robert Pontbriand, introduced Danny Ruiz, the Town Planner, to the Board. D. Ruiz was hired in July 2023, and has previously worked in the Town of Salisbury. He is willing to work with the Board as a resource for future projects.

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

Kevin Conover sent an email to the Board on behalf of his client to continue the hearing until the meeting scheduled for January 17, 2024.

**Motion:** S. Goodwin made a motion to continue the Public Hearing until January 17, 2024 at the applicant's request.

Seconded: J. Ellis

**Roll Call Vote:** J. Gugino, aye; R. DeFilippo, aye; J. Ellis, aye; S. Goodwin, aye.

**Motion Passed (4-0)**

**Public Hearing – Application for Special Permit – Alexandria Goldinak – 42 Park St. (Filed November 27, 2023)**

S. Goodwin opened the Public Hearing at 6:11pm by reading the public hearing notice as published in the Nashoba Valley Voice on December 1, 2023 and December 8, 2023. The applicant is seeking a Special Permit pursuant to Ayer Zoning Bylaw Section 7.3.B to allow for the construction in the front setback.

Alexandria Goldinak and Justine LeClair were both present and requested a continuance until the January 17, 2024 meeting.

**Motion:** S. Goodwin made a motion to continue the Public Hearing until January 17, 2024 at the applicant's request.

Seconded: J. Ellis

**Roll Call Vote:** J. Gugino, aye; R. DeFilippo, aye; J. Ellis, aye; S. Goodwin, aye.

**Motion Passed (4-0)**

S. Benoit gave an update from Habitat for Humanity. The Building Commissioner further reviewed the Zoning Bylaws, and it was determined that they would not be required to have a commercial space on the first floor. They will not be coming before the Board for that request.

**Motion:** S. Goodwin made a motion to accept the minutes of November 15, 2023 as amended.

Seconded: J. Ellis

**Roll Call Vote:** J. Gugino, aye; R. DeFilippo, aye; J. Ellis, aye; S. Goodwin, aye.

**Motion Passed (4-0)**

**Board Discussion:**

The Board continued its discussion of its Rules and Procedures, and the updated Hearing Application. The Board would like to table the discussion and vote until all Board members are present.

The Board held a general discussion about building and population density. R. Defilippo and J. Gugino both expressed concerns about the size of the town and the increases in buildings. Ken Diskin explained that this has been a topic of discussion with other Board and organizations in town, including the Affordable Housing Trust and Planning Board.

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

Seconded: J. Ellis

**Roll Call Vote:** J. Gugino, aye; R. DeFilippo, aye; J. Ellis, aye; S. Goodwin, aye.

**Motion Passed (4-0)**

**Meeting Adjourned at 6:56pm**

**Board Discussion:**

The Board made final comments on the Rules and Procedures, and the Hearing Application.

**Motion:** S. Goodwin made a motion to approve the Rules and Procedures as submitted.

Seconded: M. Gibbons

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

**Motion Passed (5-0)**

**Motion:** S. Goodwin made a motion to approve the Hearing Application as submitted.

Seconded: M. Gibbons

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

**Motion Passed (5-0)**

The Board discussed potential future items for the Board to discuss. It was requested that the hearing application fee of other towns be investigated and reviewed.

The Board also requested that Danny Ruiz, Town Planner, come to the next meeting to give a presentation on Special Permits.

The Board continued their discussion of density and population growth within the Town.

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

Seconded: J. Ellis

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

**Motion Passed (5-0)**

**Meeting Adjourned at 7:49pm**

Minutes Submitted by Samantha Benoit, Administrative Coordinator

Date Minutes Approved by the ZBA: 02/21/2024

Signature of ZBA Clerk, Indicating Approval: 