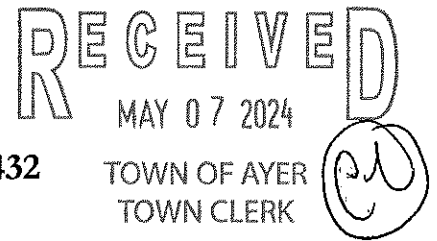




Town of Ayer
Zoning Board of Appeals
Ayer Town Hall – 1 Main Street – Ayer, MA 01432



Wednesday February 21, 2024
Hybrid Open Session Meeting Minutes

This meeting was recorded by APAC.

Present: Samuel Goodwin, Chair (Zoom); Michael Gibbons, Vice-Chair; Ronald Defilippo, Clerk; Jess Gugino; John Ellis; 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 6:06pm. 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 or 978-772-8220 ext. 114 prior to the meeting.

Due to ongoing technical difficulties S. Goodwin was unable to fully participate in the meeting. M. Gibbons chaired the remainder of the meeting and M. Schmalenberger was asked to take S. Goodwin's place. S. Goodwin did participate when able but did not vote.

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

Seconded: R. Defilippo

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

Motion Passed (5-0)

Public Hearing – Application for a Variance – Ellyson Ross Stout – 52 Pearl Street (Filed January 19, 2024)

M. Gibbons opened the Public Hearing at 6:10pm by reading the public hearing notice as published in the Nashoba Valley Voice on February 2, 2024 and February 9, 2024. The applicant is seeking a Variance from the Ayer Zoning Bylaw Section 6.2 Appendix B (Schedule of Dimensional Requirements) to allow for a 12-foot side setback where is 15-foot side setback is required to accommodate the construction of a deck.

Ellyson Ross Stout is the owner of the property located at 52 Pearl St. and represented herself.

E. Stout explained that she would like to add a deck, screened-in porch, and mudroom to the existing home. A portion of the deck and the stairs will be within the side setback. The current deck runs along the property line. The proposed deck is in line with the house.

R. DeFilippo noted that the proposed deck is barley over the setback line and the abutting property is a paper road known as Howard St.

E. Stout explained that some people use this portion of Howard St. as a cut through to the rail trail, but it is not a road that is maintained or traveled frequently.

M. Gibbons noted that literal enforcement of the Zoning Bylaw would negatively impact the whole design of the project and prevent the applicant from moving forward.

No abutters were present.

Motion: J. Gugino made a motion to approve a Variance from the Ayer Zoning Bylaw Section 6.2 Appendix B (Schedule of Dimensional Requirements) to allow for a 12-foot side setback where is 15-foot side setback is required to accommodate the construction of a deck for the property located at 52 Pearl St.

Seconded: J. Ellis

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

Motion Passed (5-0)

Motion: M. Gibbons made a motion to close the Public Hearing.

Seconded: J. Ellis

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

Motion Passed (5-0)

Janet Providakes representing the Affordable Housing Committee Working Group, gave a presentation on some of the changes being proposed to the Ayer Zoning Bylaws. The Working Group has been discussing how to make homes more affordable and increase the variety of housing. The group is made up of volunteers and Town Hall personnel. They looked at creating more opportunities for multi-family homes but changing the minimum 750 sq. ft. requirement for Inclusionary Housing and allowing two-family homes to be built in the A-1 and A-2 Districts without a Special Permit by the ZBA.

Charles Shultz, the Building Commissioner, and member of the working group, explained that all other residential districts in Town allow for two-family homes by-right and the bylaw does have provisions for two-family homes.

S. Goodwin asked for clarification on the reduction of the minimum square footage requirements reduction.

C. Shultz explained that it is only in Inclusionary Housing that the minimum is changing in all other aspects it will stay the same.

M. Gibbons asked how many parcels will open up in the A-1 and A-2 districts with the change to two-family home Special Permit requirements.

C. Shultz explained that no more parcels will open up because the Zoning Bylaw has requirements for a two-family home on those districts that will still need to be met. This will just make it easier to have two-family homes built.

R. Defilippo is concerned about the pressure and impact of duplexes on the A-1 and A-2 districts.

C. Shultz explained that a large single-family home can have more of an impact than a two-family home.

M. Schmalenberger asked if more duplexes were being built than single-family homes.

C. Shultz explained that it swings back and forth based on what the market and home buyers want.

M. Schmalenberger is concerned that the development of the town will change with very little say from the ZBA.

J. Providakes explained that this change does not mean only two-family homes will be built and there are still Zoning Requirements that will need to be met.

J. Gugino reminded the Board that all Zoning Bylaw changes must go before Town Meeting to be voted on and no changes have been made yet.

Motion: J. Gugino made a motion to accept the minutes of the December 20, 2023 meeting.

Seconded: J. Ellis

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

M. Schmalenberger, aye.

Motion Passed (5-0)

Motion: J. Gugino made a motion to accept the minutes of the January 17, 2024 meeting as amended.

Seconded: J. Ellis

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

M. Schmalenberger, aye.

Motion Passed (5-0)

Board Discussion:

D. Ruiz gave a short presentation on Special Permits to the Board.

M. Gibbons during the discussion noted that in the past some of the Special Permit criteria has been given more weight than other criteria.

D. Ruiz explained that the criteria are all equal and that in order for a Special Permit to be granted the majority of the criteria must be met. Conditions can also be added to lessen the negative impacts.

The Board would like a presentation on Variances at a future meeting.

M. Gibbons asked for clarification on the Zoning Bylaw change proposed at Town Meeting regarding the make-up of the ZBA.

S. Benoit explained that this is to correct a clerical error made during the Zoning Bylaw update in 2018. Nothing is changing to the make-up of the ZBA, but it does need to be spelled out in the bylaws.

D. Ruiz explained that the Zoning Map will also be updated at Town Meeting to reflect some changes made in previous years.

Motion: J. Ellis made a motion to adjourn the meeting.

Seconded: M. Schmalenberger

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

Motion Passed (5-0)

Meeting Adjourned at 7:52pm

Minutes Submitted by Samantha Benoit, Administrative Coordinator

Date Minutes Approved by the ZBA: April 17, 2024

Signature of ZBA Clerk, Indicating Approval: Samuel A. Benoit