

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



Wednesday April 20, 2016  
Open Session Meeting Minutes

*Recorded by APAC*

Present: Sam Goodwin, Chair; Michael Gibbons, Vice – Chair; Christa Maxant, Clerk;  
Ron Defilippo; Jeremy Callahan, Alternate (Entered at 7:17 PM)

Absent: John Ellis

**Call to Order:** S. Goodwin called the meeting to order at 7: 13 PM.

**Approval of Agenda:**

**Motion:** A motion was made by M. Gibbons and seconded by R. Defilippo to approve the agenda, as printed. **Motion passed 4-0.**

**Public Hearing - Application for Variance & Finding – Pace, Robert, 41 Shirley Street (Filed March 28, 2016):** S. Goodwin opened the public hearing at 7:14 PM by reading the Public Hearing Announcement as advertised in the *Nashoba Valley Voice* on April 1, 2016 and April 8, 2016.

Mr. Robert Oliva from David E. Ross Associates and Mr. Robert Pace, applicant, were in attendance to discuss their application. Specifically Mr. Pace is seeking a Section 6 finding and the following variances:

- 3.3.1.d.3.a – front setback requirements (20' required, seeking 6')
- 3.3.1.d.3.c – rear setback requirements (25' required, seeking 6')
- 3.3.1.d.4.d – maximum building coverage (30% max, seeking 32.7%)
- 3.3.1.d.4.e – minimum open space (minimum 50%, seeking 47.6%)

Mr. Pace stated that he is trying to build within the smallest footprint while maximizing square footage.

C. Maxant asked the applicant what the hardship was.

R. Oliva stated that the lot is the hardship being only 2,640 square feet in area. He stated that the lot would be rendered inhabitable without any variances granted.

Ms. Sheila Slarsky abutter on Shirley Street asked general questions about the size of the house.

*J. Callahan enters at 7:17 PM*

Committee members and Ms. Slarsky stated that the project looked to be three levels because of the exposed basement.

R. Pace stated that the topography of the lot is difficult because it slopes and regardless of the size of the house there would be an exposed basement.

R. Defilippo stated that because the original structure was destroyed by fire he has the right to build within the previous footprint.

S. Goodwin stated that he thought the applicant was asking for too many variances on a very small lot.

Other committee members were concerned with the size of the proposed house.

R. Pace stated that the new home will make a much needed improvement to the neighborhood.

Because the committee did not seem favorable to the request, the applicant withdrew his application without prejudice.

**Motion:** A motion was made by M. Gibbons and seconded by R. Defilippo to close the Public Hearing for 41 Shirley Street at 7:45 PM. **Motion passed 5-0.**

*S. Goodwin recused himself because he is an abutter to the next applicant.*

**Public Hearing – Application for Variance – Ragusa, James & Fontaine, Andrea 31 Williams Street (Filed March 29, 2016):** M. Gibbons opened the public hearing at 7:52 PM by reading the Public Hearing Announcement as advertised in the *Nashoba Valley Voice* on April 1, 2016 and April 8, 2016.

J. Ragusa and A. Fontaine were in attendance to discuss their application. They are putting in a swimming pool and the topography of their lot is very steep. They have found a location on the corner of their yard where the pool can be installed. Their home sits on the corner of Williams and Norwood Street. Norwood Street is not a through street, but is a paper street; therefore the accessory structure would be located in the “front yard”.

No abutters were in attendance.

**Motion:** A motion was made by J. Callahan and seconded by R. Defilippo to grant the variance from Zoning Bylaw 5.8.d “Location of Accessory Structure” to allow for the placement of the swimming pool on proposed location as detailed in the application. **Motion passed 4-0.**

**Motion:** A motion was made by C. Maxant and seconded by M. Gibbons to close the public hearing at 7:59 PM.

**Approval of Meeting Minutes:**

**Motion:** A motion was made by M. Gibbons and seconded by R. Defilippo to approve the meeting minutes of February 17, 2016. **Motion passed 4-0.**

**Discussion Items:**

*Zoning Bylaw Update* -- S. Goodwin asked J. Callahan to give an update on the proposed Zoning Bylaw update.

J. Callahan stated that the Planning Board hit a delay because of personal issues with their consultant, so they were aiming to have a Special Fall Town Meeting for voters to consider the proposed changes.

S. Goodwin stated that because an election is being held on April 25, 2016, he would like the reorganization of the Zoning Board to be on the next ZBA agenda.

J. Callahan stated that after tonight's meeting, he will no longer be serving as an Alternate for the ZBA. S. Goodwin and M. Gibbons thanked him for his service.

**Adjournment:**

**Motion:** A motion was made by M. Gibbons and seconded by C. Maxant to adjourn at 8:03 PM.

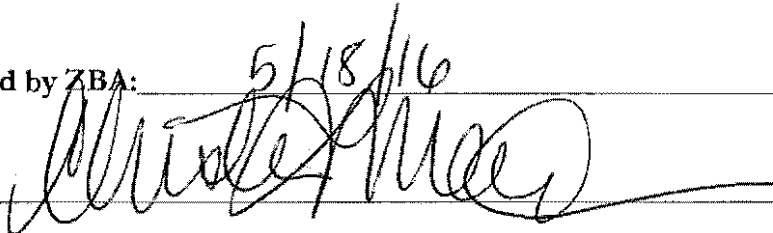
**Motion passed 5-0.**

**Minutes Recorded and Submitted by Carly M. Antonellis**

**Date Minutes Approved by ZBA:**

5/18/16

**Christa Maxant, Clerk:**

A handwritten signature in black ink, appearing to read 'Christa Maxant', written over a horizontal line.