



## PLANNING BOARD

### Town of Ayer

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#### **Minutes of July 12, 2022 - Ayer Planning Board Meeting**

Location: First Floor Meeting Room, Ayer Town Hall

Meeting was recorded and then broadcasted on APAC

**Members Present:** Jonathan Kranz, Chairman; Ken Diskin, Vice Chairman; and Geof Tillotson, Clerk, Julie Murray and Nathan King

**Also Present:** Mark Archambault, Town Planner and Robert Pontbriand, Town Manager

**Chairman Kranz called the meeting of the Planning Board to order at 6:15 PM.**

#### **General Business**

##### **Approve the Agenda**

**At 6:15 PM Mr. Geof Tillotson made a motion to approve the agenda as presented. Ms. Julie Murray seconded. No discussion. Unanimous vote to approve. (5-0-0)**

#### **Covenant and Bond Releases** – None

#### **Public Meeting, Stratton Hill Preliminary Subdivision Plan, 35 lots off of Wright Road**

*Present: Attorney Robert Collins, Stan Dillis, Engineer, Dillis and Roy, and several area abutters*

Chairman Kranz gave a brief overview of how the meeting will go this evening and the overall process.

Town Planner, Mr. Mark Archambault, went over the two items that he would like to discuss this evening. First, the proposal for the review of the traffic study by Vassan has been sent out and anticipate getting at least 2 if not 3 proposals back for the Board to vote on at the next meeting. The second item is the status of the Conservation Management Permit through NHESP.

#### **Traffic Study**

Mr. Archambault mentioned that the applicant submitted a traffic study for the proposed project that will need to be reviewed. Mr. Archambault stated there are some items that were not included in the applicant's study that the Board would like their consultant to review. These additional items have also been concerns expressed by several abutters. Mr. Archambault mentioned that after the consultant is hired, he would like them to attend a meeting to go over some fine details of the proposal as there may be additional items that the Board would like to have added after the RFP was sent. Mr. Archambault mentioned that he will send out 5 to 6 proposals and is hoping to get back 3 for the Board to review and pick one at the next meeting.

Mr. Ken Diskin mentioned that the DPW may have some input on the study and may be able to help with the consultant.

Mr. Archambault agreed that the Board's consultant will be meeting with the DPW either separately or with the Board.

Mr. Geof Tillotson mentioned that he would like to pedestrian and bike traffic added to the review along with car traffic.

### **Conservation Management Permit**

Mr. Archambault gave a brief background on the Conservation Management permit that was issued by the Natural Heritage Endangered Species Program (NHESP) in 2005. Mr. Archambault stated that he spoke to a staff member at NHESP regarding the 2005 permit and if it is still valid. They stated that the permit can be amended under the new plan but will first need to be granted an extension for the original permit first since it has expired. Once the Conservation Management permit has been extended and amended then MEPA will need to be notified as well of the project and its changes.

Attorney Collins mentioned that he has had an ongoing conservation with a member of NHESP, regarding the Conservation Management permit, and will apply for the extension and amended permit once the Preliminary Plan is approved, and then go through MEPA to get a new Conservation Management Permit.

Chairman Kranz asked how long the process would take to get a new Conservation Management permit.

Attorney Collins informed the Board that NHESP takes about 30 days but MEPA will take a little longer for the Conservation Management Permit.

Chairman Kranz summed up Attorney Collin's comments regarding waiting for the Preliminary plan approval before going for the amended Conservation Management Permit.

Mr. Ken Diskin had a question regarding the open space portion of the project and Attorney Collin's comments about deeding the land to Fish and Game as deeded in fee.

Ms. Anne Gagnon from Fish and Game explained to the Board that they have spoke to Attorney Collins regarding the open space for the project and are interested in being the owner of that land. If Fish and Game take the land deeded in fee the land will become Article 97 land which keeps it in open space in perpetuity and requires a 2/3rds vote of the state legislation to change. Ms. Gagnon mentioned that she would be happy to meet with the Board to discuss the process if they have any further questions.

Mr. Tillotson stated that the deeding of the open space is something the Board will need to discuss during the definitive process.

Attorney Collins stated that the OSRD states a Conservation Restriction will be placed on the property and would prefer not to have a CR and just have Fish and Game own the property.

Mr. Archambault stated that the holder of the open space is an important part of the process that will be discussed later on.

Attorney Collins mentioned that Mr. Dillis had drafted some new plans that were requested at the last meeting.

Mr. Stan Dillis went over the new plans he drafted one that better shows the proposed housing compared to the 2005 approved plan this plan shows the reduction of impacts on the site, including the reduced road length and stormwater locations further from Long Pond, per the request of the Conservation Commission from their site walk last week. Mr. Dillis continued to go over the plans which also included an area for a park per the request of the Planning Board and moving of the parking area away from the powerline easement.

Mr. Dillis also created a yield plan as requested at the last meeting, which was received by the Planning office yesterday.

Attorney Collins mentioned that he is trying to contact Verizon in regards to the easement on site to answer the Boards question on restrictions on the easement.

Mr. Diskin asked if the road had been moved out of the wetlands buffer.

Mr. Dillis stated that he is still working on the plan to move the roadway 100% out of the buffer.

Mr. Diskin asked if all the utilities have been confirmed to be on site.

Mr. Dillis stated that he had verified all the utilities and added them to the plan.

The meeting was then opened to the public for comments.

Ms. Colleen White, an abutter from 29 Wright Rd, stated concern for the number of parking spaces shown for the open space. Their concern is that if the parking lot is full, they will park along Wright Road.

Attorney Collins stated that there is no issue of parking at the open space located at the Groton subdivision on the other side of the proposed project.

Ms. Annie Reed, an abutter from 7 Wright Road, had several concerns and questions regarding the proposed project including the effects of blasting on the wildlife, the Conservation Management permit and if its valid, and some concerns with the stormwater on the property.

Attorney Collins stated that they will be applying for an extension and amended Conservation Management permit once the preliminary plan is approved. Attorney Collins also mentioned that some of Ms. Reeds other questions and concerns should be answered when in the Conservation Commissions and Planning Boards consultants review the project including stormwater water.

There were other concerns from residents regarding the project not fitting with the Town's Master Plan and with the effects to the natural habitat.

Mr. Ken Diskin stated that he worked on the Master Plan Committee before becoming a member of the Planning Board. When the Master Plan was created this lot was shown as open space but was privately

owned and has been taxed as buildable lots. The purpose of the Board is to ensure the best possible project is approved.

**The Public Meeting will be continued to July 26, 2022**

#### **Town Planner Update**

Mr. Archambault mentioned that he will be inviting GPR, Inc. to the next meeting to discuss Ayer Solar II. Mr. Archambault will also be scheduling a site visit for next week for the high school and Cataldo.

Mr. King stated that Central Ave has just installed the stormwater.

Mr. Archambault stated that he will add the item to the list of other sites that the Board should see and try to schedule a site visit to one or all the sites next week.

#### **Meeting minutes June 14, 2022**

**At 8:12 PM Mr. Geof Tillotson made a motion to approve the meeting minutes for the June 14, 2022, meeting as amended. Ms. Julie Murray seconded. No discussion. Unanimous vote to approve. (5-0-0)**

#### **New Business**

##### **40b Comprehensive Permit Fitchburg Road**

Mr. Diskin mentioned that a Comprehensive Permit for an affordable housing 40b project on Fitchburg Road has been submitted to the Ayer Zoning Board of Appeals. The hearing will open next week on July 20, 2022.

Mr. Archambault mentioned that the Zoning Board of Appeals has hired a consultant to assist them in reviewing the Comprehensive permit.

Mr. Tillotson informed the Board that the Affordable Housing Trust will be reviewing the project and submitting comments. Mr. Tillotson mentioned that as a member of the Housing Trust he can update the Board on those meetings and the 40b project.

##### **22 Fitchburg Road**

Mr. Diskin mentioned to the Board that the site planned approved by the Board for the Ayer Shop and Save plaza has gone to the Building Department for a permit. Mr. Diskin asked Mr. Archambault to look at a site visit there once construction starts.

#### **Meeting Adjournment**

**At 8:26 PM Mr. Geof Tillotson made a motion to adjourn. Ms. Julie Murray seconded. No discussion. Unanimous vote to approve.**

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Minutes recorded and submitted by Heather Hampson, Administrative Coordinator

Planning Board Approval \_\_\_\_\_  
Date

Planning Board Chairman (Jonathan Kranz)

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