



## PLANNING BOARD

### Town of Ayer

1 Main Street, Ayer, MA 01432

Tel: (978) 772-8220 ext 144 | Fax: (978) 772-3017 | [Planning@Ayer.MA.US](mailto:Planning@Ayer.MA.US)

RECEIVED  
MAY 30 2023

TOWN OF AYER  
TOWN CLERK

#### Minutes of January 24, 2023 - 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, and Nathan King

**Also Present:** Mark Archambault, Town Planner

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

#### General Business

##### Approve the Agenda

At 6:16 PM Mr. Geof Tillotson made a motion to approve the agenda as amended. Ms. Julie Murray seconded. No discussion. Unanimous vote to approve. (5-0-0)

At 6:17 PM Mr. Ken Diskin recused himself

#### Discussion – Ayer Solar IIb

Chairman Kranz mentioned that there was a meeting of several Town Departments to discuss Ayer Solar IIb and next steps with the project. Chairman Kranz stated that the outcome of that meeting was that a new set of revised plans needs to be submitted in order to compare them with the bonded work that has been proposed.

Mr. Mark Archambault mentioned that Mr. Cal Goldsmith has requested that rather than submit a full set of revised plan, both Mr. Dan Van Schalkwyk and himself agree to use the plans drafted in August and the agreed upon bond amount as sufficient for completing the project without filing an amended Site Plan. These plans were mentioned at a previous meeting, were not a full set, and were only submitted to the Conservation Agent and never approved as revised plans. Mr. Archambault stated that Mr. Van Schalkwyk would not agree to that plan from Mr. Goldsmith. At the meeting, the Town Departments agreed to request a full set of revised site plan set with site plan modifications that should come before the Board for peer review. Mr. Archambault mentioned that he had requested revised plans from Mr. Goldsmith in a letter dated back to the beginning of January.

Chairman Kranz stated that all those present at the meeting requested the site plan modification.

Ms. Julie Murray wanted to clarify that Mr. Van Schalkwyk did not agree with what was requested by Mr. Goldsmith and wanted to follow normal Planning Board procedure and have Ayer Solar IIb file a site plan modification.

Mr. Archambault stated that was correct. Mr. Archambault hoped that representatives for Ayer Solar IIb would be present this evening and he was going to request that the Board vote to request a site plan modification. However, a letter was received from Attorney Adam Costa, representing Ayer Solar IIb, and Mr. Archambault is now hesitant to have the Board take any action. Mr. Archambault suggested that the Board wait to see what comes from the letter submitted today and the Town Council's recommendation on the item.

Chairman Kranz believes the Board has the authority to request updated plans, and wants the Board to discuss whether or not they would like to make a finding and vote to require an amended site plan or if the Board would like to wait till representatives are present on February 14<sup>th</sup>.

The Board held a discussion on what if any action they would take on the project. Each Board member expressed their thoughts on the project and what action they felt should be taken.

Mr. Geof Tillotson expressed his concern with requesting anything that will stop work on the project, and would like to see the project completed as soon as possible.

Chairman Kranz stated that the letter from Attorney Costa does not list any law or regulation and only states a request of the Board.

Mr. Archambault expressed that he is also frustrated with the project but feels that waiting a few weeks until we hear from Town Council and the applicant can be present is not a bad idea.

Chairman Kranz stated that he does not feel that Town Council will have anything new for the Board, and does not feel the applicant will be bringing anything substantial to the Board by the next meeting.

Ms. Julie Murray expressed frustration with the project as well stating the Board has not ever seen a project change so many times with no amended Site Plan requested. Ms. Murray stated that the Board has been flexible with the project and the many requests that have come before the Board and feels requesting the amended Site Plan is not unreasonable.

Ms. Murray asked if there is anything that would hold up the project by requesting an amended Site Plan.

Mr. Archambault stated that it would take time and money, but should not be a lot since they have already drafted plans with some of the changes. The amended Site Plan would need to be advertised but once it was received should move along quickly.

Mr. Nathan King mentioned that the last approval of the plans was November 2020, and the Board has not received revisions or changes to the plans since November 2020. Mr. King stated that one of the conditions in the Site Plan approval requests that the Board be notified of any changes to the plans. Mr. King went on to state that Section 3.5.2b of the Ayer Zoning Bylaw states that both the Building Commissioner and the Planning Board are the only authority that can make decisions on insubstantial changes to a site plan. At this point neither party has granted any such approval.

Chairman Kranz went over Attorney Costa's letter which asks what more is requested of the applicant for an adequate review of the plans; Chairman Kranz stated that would be updated plans as the Board does not have any.

Mr. King asked what bond the has have for the project.

Mr. Tillotson gave a history of the surety, decommissioning, and bonding of the project.

Mr. King stated that he would like to know what if any money the Town has for the project incase something were to happen with the site.

Mr. Archambault said that at the last meeting the applicant offered an amount for completion of the project but the amount has not been approved or received yet. There is a decommissioning amount of around \$21,000 that was approved in 2020.

Mr. King said the Special Conditions state that the applicant/owner is responsible for decommission and also lists the decommissioning bonding amount. He asked how the Town/Board would get the land restored. Mr. King said a major change, requires another design review process which can take a few meetings.

Mr. Archambault stated that with this amended site plan the Board may hire an consulting engineering firm to review the plans.

Chairman Kranz stated that the Board needs to make the decision to either defer any decision till the next meeting or vote this evening on whether or not to request an amended Site Plan.

**At 6:51 PM Ms. Julie Murray made a motion to request the applicant of Ayer Solar IIb submit a request Site Plan Modification. Mr. Geof Tillotson seconded. (3-1, Mr. Nathan King abstained)**

Chairman Kranz called a 5-minute recess.

At 7:00 PM the meeting reconvened with all members present.

**Public Hearing, Site Plan, Special Permit and Stormwater Permit – Nasoya Foods, USA 1 New England Way**

*Present: there were no applicant representatives present*

**At 7:01 Mr. Geof Tillotson made a motion to open the hearings, Mr. Nathan King seconded. No discussion. Unanimous vote to approve. (5-0-0)**

Chairman Kranz asked for a motion to continue the hearings to February 14<sup>th</sup> per the applicants request.

Mr. Diskin asked for a review of the Zoning Bylaws for the Aquifer District to verify the Board acts accordingly.

Chairman Kranz read aloud the letter received from Attorney Thomas Gibbons requesting a continuance of the public hearings this evening to the February 14th Planning Board meeting.

**At 7:08 PM Mr. Geof Tillotson made a motion to continue the Site Plan, Special Permit and Stormwater Management Permit public hearings to the February 14<sup>th</sup> Planning Board Meeting. Mr. Nathan King seconded. Unanimous vote to approve. (5-0-0)**

#### **Town Planner Update**

Mr. Archambault mentioned that he has the results of the MBTA model run, which first looked at the Downtown-Park Street Form Based Code and the General Residential zones within a ½ mile radius of the MBTA station which came up a little shy. Mr. Archambault then requested that MRPC look at the West Ayer Village Form Based Code area as well which brought the Town over the required zoning amount. Mr. Archambault submitted the results to the state and filed the proper interim paperwork today. MRPC will help ensure that the proper forms are filled out with the state that shows the Town is complying.

Mr. Archambault created a spreadsheet that has the timeline for applicants to know when each application has come in and when action is due. The list also includes potential projects.

Mr. Archambault gave an update on the RFP's for the engineering for Stratton Hill, there are two firms that he is waiting to hear from and mentioned that the proposals are due at the end of the month.

Mr. Archambault mentioned that he is working on a power point presentation for long range land use planning and how it can tie into the Master Plan.

Chairman Kranz asked to have Mr. Archambault follow up on the drainage concerns on the Catania property that are affecting Nasoya.

Mr. Archambault listed some grant opportunities for trails creation and will bring that to Mr. Diskin for the trails project that he is working on.

Mr. Archambault stated that 14 Washington Street will be on the agenda for the February 14<sup>th</sup> meeting, which is for a mixed use 5-unit residential development.

#### **Meeting Minutes October 25, 2022**

**At 7:10 PM Mr. Geof Tillotson made a motion to approve the minutes October 25, 2022 meeting. Ms. Julie Murray seconded the motion. Discussion: Ms. Murray requested a minor amendment to the minutes. Unanimous vote to approve. (5-0-0)**

#### **Old and New Business**

Chairman Kranz stated that there were three members that have not had a chance to discuss planning priorities for this year that were discussed at the last meeting, and asked Ms. Murray, Mr. Tillotson and Mr. King to present their items this evening.

Ms. Murray stated that she was involved in the Master Plan development and would like to help Chairman Kranz with his project on the Master Plan. Ms. Murray would like to work on the best practices for site visits to make them more inclusive and have an idea of what is expected while on site.

Chairman Kranz thanked Ms. Murray for her comments. When she is ready with something to present to the Board he can ensure there will be some time on the agenda for her to discuss.

Mr. King first asked for a summary of a November meeting on a possible development on West Main Street.

Chairman Kranz stated that the meeting was informal for a proposed development of a property on West Main Street. The project is now proposed to be on the other side of West Main Street that has some more depth on the lot, but the project will still need some Zoning Board Approval.

Mr. King said he would like the Board look into a zoning changes to anticipate population growth, look at smaller housing sizes and review Downtown Form Based Zoning. Mr. King also mentioned that the Board should look at parking and how the Board can look at reducing the required parking. Mr. King also stated he would like to look at the train depot and how that can influence housing, businesses and reduce parking.

Mr. Tillotson stated that he would like to work with Mr. King on that project.

Mr. Tillotson stated that his thoughts for the Board for the year is to look at infrastructure, water, trash and sewer in light of all the upcoming housing developments. Mr. Tillotson also mentioned that the Board should look at trying to bring alternates on the Board, the more people involved in town boards the more informed the residents will be.

Chairman Kranz thanked all the Board members for their input on where they want to see for the Board for the future for the Town.

Mr. Diskin stated that at the Housing Committee meeting they discussed some of the housing concerns. Mr. Diskin mentioned that the Board should look at smaller housing, smaller lots and allowing multi-family in more districts. Mr. Diskin mentioned that this is something that the Board should look at to change at the fall Town Meeting. Mr. Diskin suggested that the Board have an item discussed on the agendas one at a time to keep them moving.

#### **Meeting Adjournment**

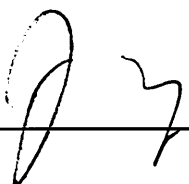
**At 7:55 PM Mr. Nathan King made a motion to adjourn.**

---

Minutes recorded and submitted by Heather Hampson, Administrative Coordinator

Planning Board Approval \_\_\_\_ March 28, 2023 \_\_\_\_  
Date

Planning Board Chairman (Jonathan Kranz)

 4/20/23