



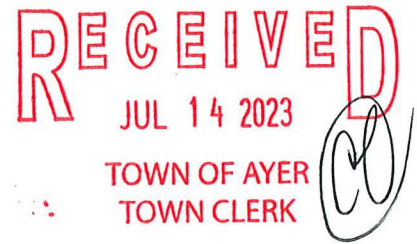
PLANNING BOARD

Town of Ayer

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Approved 6/27/23



Minutes of May 23, 2023 - Ayer Planning Board Meeting

Location: First Floor Meeting Room, Ayer Town Hall, 1 Main Street

Meeting was recorded and then broadcasted on APAC

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

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. Ms. Julie Murray seconded. No discussion. Unanimous vote to approve. (5-0-0)

Appointment of Planning Board Member to Senior/Community Center Building Committee

At 6:16 PM Mr. Geof Tillotson made a motion to nominate Mr. Ken Diskin as the Boards representative to the Senior/Community Center Building Committee. Ms. Julie Murray seconded. No discussion. Unanimous vote to approve. (5-0-0)

Continued Public Hearing – Site Plan, Special Permit and Stormwater Permit for Nasoya Foods USA

Present: There were no applicant representatives present at the time of the hearing.

At 6:17 PM Mr. Geof Tillotson made a motion to open the continued public hearings for Site Plan Review, Special Permit and Stormwater Permit for Nasoya Foods, USA. Mr. Nathan King seconded. No discussion. Unanimous vote to approve. (5-0-0)

Chairman Kranz stated that the Board received a letter from Attorney Thomas Gibbons on behalf of Nasoya Foods requesting a continuance till the June 13th meeting.

Mr. Tillotson read the letter from Attorney Gibbons into the record.

At 6:18 Mr. Geof Tillotson made a motion to continue the public hearings for Site Plan Review, Special Permit and Stormwater Permit to the next Planning Board meeting on June 13, 2023, as requested. Mr. Ken Diskin seconded. No discussion. Unanimous vote to approve. (5-0-0)

Continued Site Plan Review – 0 Sculley Road, Lexvest Group (Ayer) LLC

Present: Limhuot Tiv, Engineer GPR, Inc., and Attorney Jon Silverstein, Counsel for the applicant.

At 6:19 PM Mr. Geof Tillotson made a motion to open the continued public hearing for 0 Sculley Road, Lexvest Group LLC for Site Plan Review. Ms. Julie Murray seconded. No discussion. Unanimous vote to approve. (5-0-0)

Mr. Limhuot Tiv mentioned that the proposed application is for a Site Plan Review of 0 Sculley Road which contains 2 parcels, one which has a 50 foot right of way which works as access for the warehouse which has three business on site. Mr. Tiv mentioned that the Site Plan Review is for only one business, Pumpkin Brook, which was sent to the Board from the Building Commission as a change of use. The company is a landscaping company that will be storing equipment and vehicles on site. Mr. Tiv mentioned that the site plan is for a change of use only and there are no changes to the building proposed.

Chairman Kranz asked if mixed use was allowed in the zoning district.

Attorney Silverstien mentioned it is allowed by right and the Building Commission has the ZBA approval for the property.

Chairman Kranz mentioned that the Board held a site visit on the property that was also attended by the Conservation Agent Heather Hampson. Chairman Kranz mentioned that there is some concern regarding the outside storage of materials as well as parking within the 100-foot buffer.

Conservation Agent, Ms. Hampson stated that there was no record of any approval for the property or for the allowance of parking or storage within the buffer and requested that the applicant or owner of the property file a Request for Determination with the Conservation Commission.

Mr. Ken Diskin asked for some clarity on the ZBA decision.

Attorney Silverstien mentioned the use is allowed by right and the site plan requirement was due to the change in use.

At 6:33 PM Mr. Geof Tillotson made a motion to approve the Site Plan for 0 Sculley Road Ms. Julie Murray seconded. No discussion. Unanimous vote to approve. (5-0-0)

At 6:34 PM Mr. Geof Tillotson made a motion to close the public hearing for Site Plan Review for 0 Sculley Road, Lexvest, Group, LLC. Ms. Julie Murray seconded. No discussion. (5-0-0)

Review – ANR – 238 Snake Hill Road

Present: Mr. Craig Fillebrown, Owner of 238 Snake Hill Road

Mr. Craig Fillebrown mentioned when he purchased the property the neighbor's house was on the lot line. The proposed ANR plan will change the lot lines to correct the problem and allow for the sale of the property to move forward.

At 6:37 PM Mr. Geof Tillotson made a motion to endorse the ANR Plan for 238 Snake Hill Road as presented. Ms. Julie Murray seconded. No discussion. Unanimous vote to approve. (5-0-0)

Mr. Ken Diskin recused himself from the meeting.

Public Hearing – Site Plan Modification, Prometheus Power Group, Ayer Solar II, LLC

Present: Mr. Nick Pauling and Limhuot Tiv, Engineers with GPR, Inc., Property owner Rohit Garg, and Attorney Liz Linden

At 6:42 PM Mr. Geof Tillotson made a motion to open the public hearing for the Site Plan Modification for Prometheus Power Group, for the project known as Ayer Solar IIb. Ms. Julie Murray seconded. No discussion. Unanimous vote to approve. (4-0-0)

Chairman Kranz gave some context on the project and mentioned that the Site Plan had been sent to a third party to review, Green International. Green's comments on the plan were received by the Board and the applicant yesterday and neither party has had enough time to review them prior to the meeting this evening.

Mr. Limhuot Tiv gave a brief background on the history of the project which was first approved in 2017 and then modified in 2020/2021. Mr. Tiv mentioned that the modification in 2020 was for the realignment of the common driveway coming from Washington Street. The current site plan modification is to address the construction changes. The largest change is in the common driveway which was originally designed for both the solar array and two residential units.

Attorney Linden mentioned that they received peer review comments and have reviewed them briefly. Since they the applicant did not review the scope of the peer review there are some discrepancies in the regulations used in the review. Attorney Linden mentioned that all the comments regarding the common driveway do not apply since the residential units have been abandoned. Also, the review was based on current regulations; this being an amendment it should be based on the prior regulations.

Chairman Kranz mentioned that he agreed but did not speak for the Board and mentioned that Green International will be at the next meeting to discuss their review comments.

Mr. Nick Pauling asked that the Board request counsel on which regulations should be used for the peer review and advise them as such.

Chairman Kranz recommended that GPR send a letter with the list of concerns with the regulations used in the review and send it to himself and the Town Manager's office.

Mr. Nick Pauling mentioned to the Board that they opened their public hearing with the Conservation Commission last week and the hearing is continued to their June 8th meeting. There is a site walk scheduled for June 3rd at 8:00 AM. Mr. Pauling mentioned that he can go over the plans with the Commission this evening and invited them to attend the site walk on the 3rd.

Chairman Kranz mentioned that in the peer review there are comments on stormwater and suggested that they review those for the next meeting.

Mr. Tillotson mentioned that the plans should show what is on site now and those are what should be used when the Board makes their decision.

Chairman Kranz agreed and also mentioned that the plans need to comply to the rules and regulations.

Mr. Pauling mentioned that the narrative submitted with the application goes over all the changes on site and those yet to be completed.

Mr. Nathan King wanted it stated that it was not only the removal of the residential units that was a change to the plans but other items as well. Mr. King asked if, since they are coming back for a major change and not a minor change, the current regulations or previous regulations are in effect.

Attorney Linden stated that since the site plan approval and building permit were issued under previous regulations the project is grandfathered.

Conservation Agent, Heather Hampson, mentioned to the Board that there are some discrepancies with the plans including the mention of residential units on site as well as referencing plans for retaining walls that are either incorrect or were not included.

At 7:03 PM Mr. Geof Tillotson made a motion to continue the public hearing for the Site Plan Modification for Prometheus Power Group to the next Planning Board meeting on June 13, 2023. Ms. Julie Murray seconded. No discussion. Unanimous vote to approve.

Mr. Ken Diskin returned to the meeting.

Approval of Meeting Minutes – April 25, 2023

At 7:05 PM Mr. Geof Tillotson made a motion to approve the meeting minutes from the April 25, 2023 meeting as amended. Ms. Julie Murray seconded. No discussion. Vote to approve 4-1, Mr. Ken Diskin abstained.

Approval of Meeting Minutes – May 9, 2023

At 7:06 PM Mr. Geof Tillotson made a motion to approve the meeting minutes from the May 9, 2023, meeting as amended. Ms. Julie Murray seconded. No discussion. Vote to approve 4-1, Mr. Geof Tillotson abstained.

Old Business – Town Planner

Chairman Kranz stated that the Select Board will meet on June 6th to appoint Mr. Danny Ruiz as the new Town Planner.

Town Manager, Robert Pontbriand, stated the Mr. Ruiz has accepted the job offer and will go to the Select Board on June 6th for appointment. Mr. Ruiz's first full day of work will be July 17th.

Master Plan Update

Chairman Kranz stated that Julie Murray has submitted all responses to the mid-point update to the Master Plan to the Town Manager's office for review and next steps.

Discussion - Public Input on Agenda

Chairman Kranz mentioned that the Board should consider placing public input on the agenda, mentioning that they can no longer have a blanket old business/new business line on the agenda.

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Town Manager, Robert Pontbriand, mentioned that it is a best practice that most Boards and Committees have on their agenda. Mr. Pontbriand stated that he can work with Mr. Kranz to make a list of rules for the public input if it is something the Board would like to add.

At 7:28 PM Chairman Kranz made a motion to adjourn the meeting.

Minutes recorded and submitted by Heather Hampson, Conservation Agent

Planning Board Approval 6/27/23
Date

Planning Board Chairman (Jonathan Kranz)

