



## PLANNING BOARD

### Town of Ayer

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Approved 6/13/2023

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TOWN OF AYER  
TOWN CLERK

#### Minutes of February 28, 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; Geof Tillotson, Clerk, Julie Murray, 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**

**Chairman Kranz asked to add the approval of the January 10, 2023, minutes.**

**At 6:15 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)**

#### Public Hearing, Special Permit and Site Plan Review – 1 Bishop Road

**At 6:16 PM Chairman Kranz read aloud the public hearing notice opening the public hearing.**

**6:19 PM Mr. Ken Diskin made a motion to accept the plans for the Special Permit and minor Site Plan approval for Ture Merit at 1 Bishop Road and the application is complete. Ms. Julie Murray seconded. Unanimous vote to approve. (5-0-0)**

Mr. Mark Archambault mentioned that the several Board members met with the applicant on site on Friday February 23, 2023, to view the property. Mr. Archambault stated that the site plan is minor with no proposed changes to the existing building. Mr. Archambault mentioned that since the property is within the General Business Zoning District a Special Permit is required for enclosed manufacturing under Section 6.2 Table of Use.

**At 6:22PM Mr. Geof Tillotson made a motion to grant the Special Permit for use and finds it meets all the criteria listed in Ayer Zoning Bylaw Section 3.4.B. Ms. Julie Murray seconded. No discussion. Unanimous vote to approve. (5-0-0)**

Mr. Archambault stated that the Site Plan is simple with no proposed changes to the building and recommends that the Board approve the Site Plan with one condition if there were any changes to the exterior of the building the applicant would need to come back to the Boards for approval.

At 6:27PM Mr. Geof Tillotson made a motion to approve the Site Plan with the conditions as stated by the Town Planner and as shown on the Site Plan dated January 4, 2006. Mr. Ken Diskin seconded. No discussion. Unanimous vote to approve. (5-0-0)

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

*Present: Thomas Gibbons, esq., Dexter Preston from Dacon and David Kelly from Kelly Engineering*

Chairman Kranz stated that the applicant has requested a continuance to the next meeting on March 14, 2023.

At 6:28 PM Mr. Geof Tillotson made a motion to open the hearings for Site Plan Review, request for Special Permit and Stormwater Management Permit for Nasoya. Mr. Ken Diskin seconded. No discussion. Unanimous vote to approve. (5-0-0)

At 6:29 PM Mr. Geof Tillotson made a motion to continue the hearings to the next Planning Board meeting on March 14, 2023, as requested by the applicant and to approve the extension for approval till April 11, 2023. Mr. Ken Diskin seconded. No discussion. Unanimous vote to approve. (5-0-0)

**Continued Public Hearing, Site Plan Review and Special Permit – 14 Washington Street**

*Present: Nick Pauling, Engineer, GPR, Inc. and Mark Gallagher Sr., Owner*

At 6:30 PM Mr. Geof Tillotson made a motion to open the public hearing for Site Plan Review and Special Permit for 14 Washington Street. Ms. Julie Murray seconded. No discussion. Unanimous vote to approve. (5-0-0)

Mr. Archambault gave a brief overview from the last meeting stating the Board accepted the plans for review and opened the hearing. Also, at the last meeting the Board granted a waiver for the traffic impact statement. Mr. Archambault went over the remaining items for the Board to discuss including parking, landscape waiver and visual impact waiver.

Mr. Nick Pauling, engineer from GPR, Inc. stated that they would like to use the meeting this evening to answer questions the Board has and review any additional applications and waivers that may be needed from the Board.

Mr. Mark Gallagher gave a brief presentation on the proposed project that will have five residential units and commercial space on the first floor that will be used for his company. Mr. Gallagher stated that his development company has built a number of houses in town over the last few years and saw an opportunity to buy a building to move his company to and build some residential units as well. Mr. Gallagher mentioned that they chose to build 5 units to meet the inclusionary housing requirement but if parking becomes a concern, they can have fewer units in the building. Mr. Gallagher mentioned that he does not see the people moving to new units having an issue with the parking.

Chairman Kranz asked Mr. Gallagher if his company would be occupying the commercial space and if so, how many parking spaces would they be using.

Mr. Gallagher mentioned that they would be using the commercial space and mentioned that most of his employees, most of which are family and work from home and will not use the office much. The space will be used as a showcase space for the development firm. Mr. Gallagher mentioned the existing doors on the front of the building will allow for a design space for people to see from the street.

Chairman Kranz opened the meeting to the public to discuss the parking concerns.

Mr. Dennis Curran, 51 Pleasant Street, expressed concern with allowing a special permit for parking to go with the property and with a change of ownership that may cause an issue.

Mr. Ken Diskin mentioned that any change in use of the commercial space would require Site Plan review and approval of the Board.

Mr. Archambault gave a brief background of the parking reduction request and read aloud Section 9.1.1 of the bylaw that GPR mentioned in their narrative which the applicant is stating does not comply. The Section states that if any change in use and the parking is not greater than the previous use then the Board can find that parking is not an issue and can do the 6 spaces. If the Board does not agree with the argument, then the Board will need to look at requesting a special permit for parking.

Ms. Julie Murray stated that she feels that the proposed use is a significant change from the fire station according to Chief Jonston's letter and feels that the Board should look at and discuss the parking for the proposed.

Mr. Archambault agreed and read Section 9.1.10.A of the Bylaw which grants the Board the authority to grant waivers and issue special permits for parking relief.

Mr. Pauling said if they are subject to Section 9.1 then there is Section 9.1.5.C1 that limits the amount of parking in the front of the building and wonders if the Board can grant a waiver to allow all the parking in the front of the building.

Mr. Geof Tillotson mentioned that he feels that it is a pre-existing non-conforming use, and sees the Board being able to allow parking.

Mr. Pauling mentioned that they are in the process of modifying the parking on the plans per the discussions from the last meeting.

Chairman Kranz gave his comments on the parking stating the only place to have parking is in the front which is shown to have 6 spaces and the Board needs to decide whether to permit the reduction of the parking or if they will require parking elsewhere above the 6 spaces.

Mr. Diskin stated that he would like to see the argument concerning the parking at the fire station in the past and focus on Section 9.1 and special permits and waivers needed from that Section. Mr. Diskin also mentioned that he would like to see the parking management plan as suggested by Mr. King at the last meeting.

There was a brief discussion on the handicapped parking and how that will be placed on the property and how the parking will be requested to be permitted.

Mr. King agreed with Mr. Diskin and mentioned that he would like to see the parking management plan for the property.

Mr. Dennis Curran again expressed his concern over parking for the future owners and renters of the property.

The Board had a discussion on parking for the property, past development and future development in the Downtown Form Based Code area.

Chairman Kranz stated that going forward with the parking the Board would like to see a parking management plan and asked the applicant to look at Section 9.1.10 for the special permit and waivers needed.

Mr. Pauling asked a question regarding the expired special permit for dwelling units on the first floor.

Mr. Diskin stated that the special permit was for changing the building from commercial use to residential use.

Mr. Pauling asked the Board about which special permits were needed, citing Sections 1.5, 1.6, and 1.7 of the Bylaw for the conversion of a commercial building to mixed use.

The Board had a brief discussion on the special permits that will be needed to convert the existing commercial building to a mixed-use building and concluded that Section 1.5 and 1.7 will need special permits.

Mr. Pauling mentioned that there was a question on waiving the abutter notification for the special permit and also waive the fees.

Chairman Kranz asked if they Board wanted to act on the other two waivers that have been requested.

**At 7:23 PM Mr. Geof Tillotson made a motion to grant the waiver request to Site Plan Regulation Section 4.B for a visual impact/elevation plan. Ms. Julie Murray seconded. No discussion. Unanimous vote to approve. (5-0-0)**

There was a brief discussion on the landscaping on the property including the slope on the abutting property.

**At 7:26 PM Mr. Ken Diskin made a motion to grant the waiver request to Site Plan Regulation Section 4.C.14 for a full landscaping plan; the applicant will submit a plan for planting per GPR's letter. Ms. Julie Murray seconded. No discussion. Unanimous vote to approve. (5-0-0)**

Chairman Kranz expressed concerns for public safety with the partial demolition of the building.

Mr. Gallagher stated that when they started the demolition of the building, they found some large beams that needed to be inspected before they can continue. Equipment has been brought into the site; the dumpster is being removed tomorrow.

Mr. Diskin requested that a snow fence or barrier showing the limit of work and deterring people from entering the site.

Mr. Gallagher stated that he can install a barrier early next week.

**At 7:31 PM Ms. Julie Murray made a motion to continue the public hearing for the Site Plan Review and Special Permit for 14 Washington Street to the next regularly scheduled Planning Board meeting on March 14, 2023. Mr. Geof Tillotson seconded. No discussion. Unanimous vote to approve. (5-0-0)**

#### Minutes January 10, 2023

**At 7:35 PM Mr. Geof Tillotson made a motion to approve the minutes from the January 10, 2023 meeting minutes as amended. Ms. Julie Murray seconded. No discussion. Unanimous vote to approve. (5-0-0)**

#### Town Planner Update

Mr. Archambault mentioned that he has finalized the Request for Proposals (RFP) for Stratton Hill engineering review and sent it out to firms for bids. Mr. Archambault mentioned that the proposal from Green International was the best one and would like to sign a contract with them as soon as possible to ensure they are able to do the peer review of the application when it comes into the office.

**At 7:41PM Mr. Geof Tillotson made a motion to allow the Town Planner, Mark Archambault to enter into agreement with Green International for the peer review of the Definitive Subdivision Plan for Stratton Hill. Ms. Julie Murray seconded. Discussion: Mr. Diskin requested that Attorney Bob Collins be notified of the agency being brought in for peer review. Mr. Archambault will inform Attorney Collins before signing the contract. Unanimous vote to approve. (5-0-0)**

#### Old and New Business

Chairman Kranz stated that Julie Murray has created a spreadsheet that contains goals listed in the Master Plan that will be sent out to all the Department Heads to get an idea of what items have been completed or in process. Chairman Kranz stated that the spreadsheet is with the Town Manager's office for approval before it is sent out.

Mr. Tillotson gave the Board an update on MRPC and the current grants available.

#### Meeting Adjournment

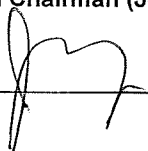
**At 7:54 PM Mr. Nathan King made a motion to adjourn.**

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Minutes recorded and submitted by Heather Hampson, Administrative Coordinator

Planning Board Approval 6/13/23  
Date

Planning Board Chairman (Jonathan Kranz)

  
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