



PLANNING BOARD

Town of Ayer

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Approved 6/13/2023

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TOWN OF AYER
TOWN CLERK

Minutes of March 14, 2023 - Ayer Planning Board Meeting

Location: Via Zoom

Meeting was recorded and then broadcasted on APAC

Members Present: Jonathan Kranz, Chairman, Ken Diskin, Vice Chairman; and Julie Murray, and Nathan King (arrived at 6:20 PM)

Also Present: Mark Archambault, Town Planner

Absent: Geof Tillotson, Clerk

Chairman Kranz called the meeting of the Planning Board to order at 6:15 PM. Reading allowed the State mandate allowing for remote participation meetings.

General Business

Approve the Agenda

At 6:15 PM Ms. Julie Murray made a motion to approve the agenda as amended. Mr. Ken Diskin seconded. No discussion. Vote to approve by roll call vote: Ms. Julie Murray, aye; Ken Diskin, aye; and Chairman Kranz, aye. (3-0-0)

Covenant Release

Mr. Mark Archambault stated that he received a call from an attorney to release a covenant for an old subdivision called "Shelly Lane". Mr. Archambault checked with DPW Director, Dan Van Schalkwyk, and the road is 100% completed and has been accepted by the Town. The covenant was never released as an oversight. Mr. Archambault read aloud a draft motion for the Board.

At 6:20 PM Mr. Ken Diskin made a motion to release the covenant for the previously approved Definitive Subdivision "Shelly Lane" approved on March 4, 2004. Ms. Julie Murray seconded. No discussion. Vote to approve by roll call vote: Ms. Julie Murray, aye; Mr. Ken Diskin, aye; Mr. Nathan King, aye; and Chairman Kranz, aye.

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

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

Mr. Archambault mentioned that the public hearings for the proposed project for Nasoya Foods was opened back in December. Due to revisions needed in the plans based on Planning Board and DPW comments they are just coming back to the Board with revised plans. Mr. Archambault mentioned that the Board will need to reopen the hearings, and mentioned that the Board did receive comments back in

the beginning of the month from the applicant: one, to the DPW regarding their comments and the other addressing the aquifer district narrative. Since the revised plans were submitted last week, other town departments have not submitted comments at this time. Mr. Archambault suggested that at this meeting the applicant should review the changes in the plans for the Board.

At 6:21 PM Mr. Ken Diskin made a motion to open the continued hearings for Site Plan Review, request for Special Permit and Stormwater Management Permit for Nasoya. Mr. Nathan King seconded. No discussion. Vote to approve by roll call vote: Ms. Julie Murray, aye; Mr. Ken Diskin, aye; Mr. Nathan King, aye, and Chairman Kranz, aye.

Attorney Thomas Gibbons introduced both Mr. David Mackwell and Mr. Jeff Price, senior project manager from Deacon. Attorney Gibbons mentioned that with Mr. Tillotson absent there are only 4 members present and with the special permit aspect of the application would prefer all members present at the meeting due to the need for a majority vote.

Mr. David Mackwell went over some of the Site Plan changes that have been made since they were last before the Board in December. Mr. Mackwell went over the existing site conditions for the Board before moving onto the proposed addition and green space and truck traffic on site. Some changes to the plans include a plan to include more green space/screening along Westford Road. Another plan change includes the addition of granite curbing along the Stoney Brook Way and some of the green space areas to eliminate the wide-open paving area. Other changes include some typos on the plans, adding the maximum number of employees at one time on site, and hours of operations. Mr. Mackwell stated that there is a parking waiver requested as part of the Site Plan approval. There is a new landscaping plan and Operations and Management plan for the project as well. The Department of Public Works has been given a copy of the updated plans for comment. Mr. Mackwell mentioned that one of the biggest items from the site visit back a few months ago was screening along Westford Road, which lead to the conclusion of having some trees removed and pruned and adding trees along Westford Road for neighbors with a maximum value of \$10,000. Mr. Mackwell stated that other items will be discussed at the next meeting with all Board members present.

Chairman Kranz asked if there has been any communication with Catania regarding erosion issues found on site from Catania's property.

Mr. Mackwell stated that there has not been any communication at this time but did see it as a friendly neighbor issue that can be more easily resolved with a retaining wall during construction.

Attorney Gibbons stated that it appears a roof drain was not connected to their stormwater system and was unsure if the Zoning Enforcement Officer has contacted Catania as they are not in compliance with their Site Plan approval.

Mr. Diskin agreed with Attorney Gibbons but did mention that a retaining wall may be needed and would like to see a plan on a wall.

Mr. Mackwell mentioned that he has created a drawing for a wall.

Mr. Nathan King asked about snow removal near the southeast corner and storing snow there.

Mr. Mackwell did mention that a fence will be coming down and snow storage can be done in that area.

Mr. King asked if there were any changes in the area near the railroad tracks.

Mr. Mackwell mentioned that some of the area will be repaved to give the DPW easier access to the sewer easement in the area.

Mr. Mark Archambault asked if there had been a bond amount set with the DPW for stormwater maintenance.

Mr. Mackwell stated that they are working with a stormwater group to create a new operations and management plan there should be no need for a bond for the project.

Mr. Diskin asked Chairman Kranz about clarification on the discussion this evening and the documents that the Board should have reviewed for this evening given Mr. Tillotson's absence and the request to not discuss the Special Permit application.

Mr. Kranz stated that with Mr. Tillotson's absence the Board will not discuss the Special Permit to ensure the applicant has a full Board to vote on the application.

Mr. Archambault listed the documents that have been submitted to the Board.

Mr. Mackwell shared the letter submitted addressing DPW comments. Mr. Diskin had a minor comment on the letter.

Mr. Diskin had a few questions and comments on the revised site plan regarding paving, curbing and stormwater subsurface systems.

Mr. Mackwell addressed and discussed each one of Mr. Diskin's questions and comments.

At 7:01 PM Mr. Ken Diskin made a motion to continue the hearings to the next Planning Board meeting on March 28, 2023, as requested by the applicant and to approve the extension for approval till April 11, 2023. Mr. Nathan King seconded. No discussion. Vote to approve by roll call vote: Ms. Julie Murray, aye; Mr. Nathan King, aye; Mr. Ken Diskin, aye, and Chairman Kranz, aye.

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

Present: Cal Goldsmith, Engineer, GPR, Inc. and Mark Gallagher Sr., Owner

At 7:03 PM Mr. Nathan King made a motion to open the public hearing for Site Plan Review for 14 Washington Street. Mr. Ken Diskin seconded. No discussion. Vote to approve by roll call vote: Ms. Julie Murray, aye; Mr. Nathan King, aye; Mr. Ken Diskin, aye, and Chairman Kranz, aye.

Mr. Archambault mentioned that the Board needs to open the hearing for Zoning relief to the Table of Use for the use of the building. Mr. Archambault also mentioned that the applicant also submitted a new narrative to the site plan to include the parking requests.

Mr. Cal Goldsmith mentioned that once the hearing is opened he will be requesting a continuance for the meeting this evening due to the Special Permit public hearing and the absence of one Board member.

At 7:05 PM Mr. Nathan King made a motion to open the public hearing for the Special Permit application for Sections 5.2.1.5 and 5.2.1.7 of the Table of Use under the Ayer Zoning Bylaws. Mr. Ken Diskin seconded the motion. No discussion. Vote to approve by roll call vote: Mr. Nathan King, aye; Mr. Ken Diskin, aye; Ms. Julie Murray, aye, and Chairman Kranz, aye.

At 7:06 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 28, 2023. Mr. Ken Diskin seconded. No discussion. Vote to approve by roll call vote: Mr. Nathan King, aye; Mr. Ken Diskin, aye; Ms. Julie Murray, aye, and Chairman Kranz, aye.

Town Planner Update

Mr. Archambault mentioned that he spoke to Green International regarding the Peer Review request for Stratton Hill. Mr. Archambault mentioned that the application for Stratton Hill will be submitted to Green International before it is submitted to the Planning Office to give them extra time to review. Mr. Archambault spoke to Attorney Collins regarding the request and the amount for the peer review and Attorney Collins has agreed to both.

Mr. Archambault mentioned that he needs a vote from the Board to allow him to enter into a contract with Green International for the peer review and will also allow him to collect funds from Attorney Collins to place into an account for the payment to Green International.

There was a brief discussion regarding the number of meetings attended by the peer reviewer as well as the stormwater plans and DPW's review.

Mr. Diskin had a comment regarding the list of documents in the proposal from Green.

Mr. Archambault addressed the concern with Green and the proposal will need to be revised before approval.

The Board had a brief discussion on the documents that will be reviewed in the peer review.

Mr. Ken Diskin recused himself from the meeting.

Mr. Archambault mentioned that he is also working on a RFP for Ayer Solar II. Mr. Archambault would like to send the RFP out to a few firms before the meeting if possible and would like to have comments from the Board as well.

Mr. Diskin returned to the meeting.

Old and New Business

Chairman Kranz stated that Ms. Murray and himself have a meeting with the Town Managers Office to discuss the update on the Master Plan.

Chairman Kranz mentioned that there was a Devens symposium on last Friday and Saturday to discuss the future of Devens. Chairman Kranz mentioned that there were a number of people in attendance

over the two-day event to get gather information and ideas for the land if the Town were to receive it back.

A few Board members commented on the event stating the importance of the activities and building construction happening on Devens and the work of the Devens Enterprise Commission.

Zoning Review

Mr. Diskin stated that they will be meeting again on a Tuesday opposite the Planning Board to ensure the Building Commission is in attendance.

Mullins Rule/Associate members

Ms. Julie Murray mentioned that she would like to have clarification on whether or not the Board can have alternate members to ensure there is a quorum for all meetings, as well as getting the Board/town to approve the rule to allow board members to read/watch meeting if absent to be allowed to vote on applications.

There was a brief discussion on the matter.

Meeting Adjournment

At 7:44 PM Mr. Ken Diskin made a motion to adjourn.

Minutes recorded and submitted by Heather Hampson, Administrative Coordinator

Planning Board Approval 6/13/23
Date

Planning Board Chairman (Jonathan Kranz)


