



Town of Ayer

Planning Board

Ayer Town Hall – 1 Main Street – Ayer, MA 01432 – 978-772-8220 x 144

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Minutes of November 14, 2023 - Ayer Planning Board Meeting

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

Meeting was recorded and then broadcasted on APAC

TOWN OF AYER
TOWN CLERK

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

Also Present: Danny Ruiz, Town Planner

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. Mr. Ruiz requested an amendment to add the Devens Resolution Committee member. Unanimous vote to approve. (5-0-0)

ANR – 33 Third Street

Present: Kevin Conover, David E. Ross Associates, Inc.

Mr. Conover went over the submitted ANR plan for three lots on the existing property at 33 Third Street. The property did have a house on it that has since been removed.

Mr. Danny Ruiz stated that he had a few comments regarding the plans that have since been revised. The main item was the sewer line on the property and the creation of an easement.

Mr. Conover mentioned that his client Mr. Aho will work with the Department of Public Works to create a sewer easement for the maintenance of the existing sewer line on the property.

At 6:19 PM Mr. Geof Tillotson made a motion to endorse the ANR Plan for 33 Third Street for the creation of 3 lots. Ms. Julie Murray seconded. No discussion. Unanimous vote to approve. (5-0-0)

Public Hearing – Definitive Subdivision and Open Space Residential Development Plan, Off Wright Road – Fox Meadow Realty Co.

Present: Attorney Bob Collins and Frank Dillis and Roy

Attorney Bob Collins stated that this is the first time that they are before the Board to discuss the definitive subdivision plan for Stratton Hill even though the hearing was opened a few meetings back in order for the applicant to receive the peer review comments. Attorney Collins went over a brief history of the project and the site stating that his client purchased the property over 24 years ago and started the permitting process for developing the site which has evolved to an Open Space Residential Development (OSRD) plan with 14 acres to be developed and 134 acres to be left in open space.

Attorney Collins stated that as part of the project there will be a small parking area for the open space as well as four affordable housing units. The project includes a vegetated buffer along Wright Road as well as the elimination of dual entrance loop road and will be changed to a single entrance loop road, which will require a waiver from the Planning Board. Attorney Collins stated that the proposed subdivision is a limited development with only 35 units which is far less than what is allowed in the area. They will be working with the Department of Public Works on infrastructure improvements in the area as part of the project. Attorney Collins went over the additional permitting that is needed for the development including: meeting with the Conservation Commission, filing a Notice of Project Change with MEPA, as amending their permit with Natural Heritage, as well as documenting National Grid's approval for the powerline crossing.

Chairman Kranz thanked Attorney Collins for his brief presentation and asked if any alternative plans were considered for the site.

Attorney Collins mentioned that there is a concept plan for the site that, if the Board is in favor, of can be submitted for approval. Attorney Collins presented to the Board a concept plan for the property at Stratton Hill for a 17 lot, 34-unit development south of the powerlines with no development to the north. The development would be limited to around 7 acres with approximately 2 acres for road and infrastructure out of the over 160-acre property, leaving the rest for deeded open space. This development would disturb less than 10% of the overall property.

Chairman Kranz thanked Attorney Collins for the alternative plan and stated that he would be in favor of seeing this plan (with the development kept to the southern part of the powerlines) brought to the Board for permitting.

The Board agreed with Chairman Kranz.

Mr. Ken Diskin stated that the Board had been discussing this project for a long time and encouraging the applicant to limit the development on site and would like the concept brought to the Board for further discussion.

There was a brief discussion on the timeline for the engineering for the concept plan and zoning requirements for units on a shared driveway and special permits that are needed for the two-family units.

Chairman Kranz opened the meeting for public comment.

Mr. Keith Henderson, 2 Wright Way, had some questions and concerns regarding the pump station upgrade on Wright Way.

Mr. Matt Hernon, Town Engineer, informed the Board that the pump station on Wright Way is permitted to be upgraded with or without Stratton Hill being developed as it is out of date and can no longer be maintained without upgrading. Mr. Hernon stated that he had met with Mr. Henderson on the project and offered to meet with him again regarding the project.

Chairman Kranz asked what the next steps for the site are.

Town Planner, Danny Ruiz, stated that the Board's next meeting where they can hold a hearing would be December 12th, after that the Board will meet again in January on the 9th and 24th.

Attorney Collins stated he did not feel that he could get all the items into the Board before the deadline for the December 14th meeting, so he requested a continuance to the January 9th meeting and will get a letter for an extension for decision to Mr. Ruiz as well.

At 7:31 PM Mr. Geof Tillotson made a motion to continue the public hearing for the Definitive Subdivision and Open Space Residential Development Plan for the project known as Stratton Hill off Wright Road to the Planning Board meeting on January 9, 2024. Ms. Julie Murray seconded. No discussion. Unanimous vote to approve. (5-0-0)

Public Hearing – Site Plan Review and minor Stormwater Management Permit for 42 Park Street

Present: There was no representative for the applicant present

At 7:40 PM Mr. Geof Tillotson made a motion to continue the Public Hearing for the Site Plan Review and minor Stormwater Management permit for the proposed project at 42 Park Street to the next meeting on November 28, 2023. Mr. Nathan King seconded. No discussion. Unanimous vote to approve. (5-0-0)

Fee Schedule Amendment

At 7:41 PM Mr. Geof Tillotson made a motion to open the public hearing for the fee schedule. Ms. Julie Murray seconded. No discussion. Unanimous vote to approve. (5-0-0)

Chairman Kranz mentioned that the proposed fee schedule had been discussed at a previous meeting and asked if the Board members had any questions or comments regarding the new schedule.

There were no questions or comments from the Board.

At 7:42 PM Mr. Geof Tillotson made a motion to adopt the new fee schedule as presented. Ms. Julie Murray seconded. No discussion. Unanimous vote to approve. (5-0-0)

At 7:43 PM Mr. Geof Tillotson made a motion to close the public hearing. Mr. Ken Diskin seconded. No discussion. Unanimous vote to approve. (5-0-0)

Project Updates

Mr. Ruiz stated that the only project update he had for the Board was regarding Shaker Mill Pond. Mr. Ruiz is working with the Developer, Mr. Aho, to get the project completed and closed in order for them to go to Town Meeting in the spring for street acceptance but there has been some delay with the Conservation Restriction on the State's end.

Mr. Nathan King asked if there was any word on when Nasoya would start their addition that the Board reviewed over the summer.

Mr. Ruiz stated that he had not heard anything but will check with Nasoya on the timeline for construction.

Mr. Geof Tillotson asked for an update on Ayer Solar II.

Conservation Agent, Heather Hampson, gave a brief update on Ayer Solar II to the Board mentioning that the Conservation Commission allowed the owner to remove most of the erosion controls on site as most of the construction is complete and stable.

Board member appointment to the Devens Resolution Committee

At 7:53 PM Mr. Geof Tillotson made a motion to nominate Mr. Julie Murray as the second Planning Board member to the Devens Resolution Committee. Chairman Kranz seconded. No discussion. Unanimous vote to approve.

MBTA Zoning

Mr. Ruiz informed the Board that he has been researching the town's designation on the multifamily zoning requirements for MBTA communities. Mr. Ruiz stated that when he started in his position, he was informed that everything was complete. In his research he found the letter from March 31, 2023 which states that the action plan has been approved, not that the town meets the zoning requirements. Mr. Ruiz stated that he will be working with MRPC and Mr. Pontbriand, Town Manager, to make sure the town complies by the deadline set by the state.

Discussion – Multifamily uses in A1 and A2 Zones

Chairman Kranz stated that as part of the Planning Board goals for the year was a review of and possible modifications to the Zoning Bylaw. Chairman Kranz stated that there is working group currently looking at the Zoning Bylaw for possible modifications that will be brought to the Board for review. One of the proposed modifications would be to allow multifamily housing in all residential zoning districts as well as a modification to the 750 square foot minimum unit size.

Mr. Ruiz stated that the discussion in the working group included the Building Commissioner/Zoning Enforcement Officer which suggested that the unit size references the state building code. Mr. Ruiz mentioned that having a minimum unit size is not common in Zoning Bylaws and is in favor of removing the requirement from the Bylaw.

Mr. Diskin stated that he does not agree with the size requirements in the building code, stating that they seem too small, but is in favor of changing the minimum.

The Board held a brief discussion on the Zoning Bylaw and the possible changes that may come to the Board from the working group on multifamily housing and unit size.

Approval of the Meeting Minutes from July 11, 2023

At 8:33 PM Mr. Geof Tillotson made a motion to approve the meeting minutes from July 11, 2023, as written. Mr. Ken Diskin seconded. No discussion. Vote to approve 4-1, Ms. Julie Murray abstained.

Approval of the Meeting minutes from October 24, 2023.

At 8:34 PM Mr. Geof Tillotson made a motion to approve the meeting minutes from October 24, 2023, as written. Mr. Jonathan King seconded. No discussion. Unanimous vote to approve. (5-0-0)

Adjourn

At 8:35 PM Mr. Geof Tillotson made a motion to adjourn the meeting.

Minutes recorded and submitted by Heather Hampson, Conservation Agent

Planning Board Approval 11/28/23
Date

Planning Board Chairman (Jonathan Kranz)


