



PLANNING BOARD

Town of Ayer

1 Main Street, Ayer, MA 01432

Tel: (978) 772-8218 | Fax: (978) 772-3017 | Planning@Ayer.MA.US

Approved 11/2/2017

Minutes of the October 11, 2017 - Ayer Planning Board Meeting

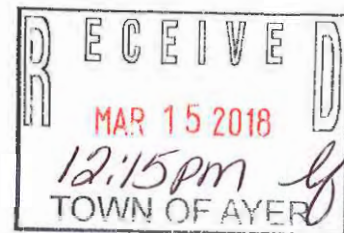
Location: First Floor Meeting Room, Ayer Town Hall

Meeting was recorded by APAC

Members Present: James Fay, Chair, Geof Tillotson, and Sue Kennedy

Absent: Mark Fermanian, Clerk

Also Present: Mark Archambault, Town Planner



Chairman Jim Fay called the meeting to order at 6:15 PM.

General Business

Approve the Agenda for the meeting. Chairman Jim Fay had a minor correction to the agenda in regards to the meeting room the meeting was posted to be held in and in the public hearing notice in regards to the address listed for the project. Chairman Fay requested that the Agenda for October 11, 2017 be approved as amended.

At 6:16 PM Mr. Geof Tillotson moved to accept the agenda, Ms. Sue Kennedy seconded. No discussion. Unanimous vote to accept. (3-0)

Continued Public Hearing, Site Plan Review Ayer Solar II

Present: Kyle Burchard and Cal Goldsmith, GPR Engineering; Adam Costa, Mead, Talerman & Costa LLC; Charlie Shultz, Ayer Building Commissioner; Mark Wetzel, Ayer Department of Public Works; and a number of area residents

Chairman Fay stated that based on the volume of information that was received from the applicant since the last meeting on September 21st that still needs review from Town Council along with draft conditions and bonding review the hearing will be continued as the end of discussion this evening.

Chairman Fay stated that he would like to have the applicant review the plans that were submitted on September 21st as well as the Boards notes on the plans in regards to frontage and bonding of the project.

Mr. Adam Costa from Mead, Talerman and Costa, LLC went through a brief overview of the proposed project and stated that they will address all concerns and comments from town departments as well as respond to KP Law's, Town Council, comments regarding the project during tonight's hearing.

Mr. Kyle Burchard, GPR Engineering, went over the details of the project which include a 1350 foot long driveway that will include storm water best management practices and two wetland replication areas due to wetland crossings. The overall project is located on 6.3 acres with a 3.2 acre solar array that will be completed fenced in. Water and sewer lines will be installed during construction of the driveway for any future development.

Mr. Burchard provided a cross-section plan showing the three houses that are the closest to the solar array and what screening will be provided for those houses including a 50 foot buffer of existing vegetation. Mr. Burchard stated that the closest house is 270 feet from the array and the furthest house is 420 feet.

Mr. Charlie Shultz, Building Commissioner, asked what the distance from the back property line the panels are located

Mr. Burchard stated that each house will have 25 to 50 feet of screening and will be around the array is located about 100 feet from the property lines.

Ms. Sue Kennedy asked about the screening provided stating there is a requirement for a percentage of evergreens.

Mr. Burchard stated that Section 9.3 of the Bylaws would require the screening area to be cleared and replaced with 6 foot trees. Mr. Burchard stated that with the elevation of the homes leaving the existing 60-80 foot trees would be better for screening.

Ms. Kennedy stated that she agrees but when she went to visit the site she stated that due to the lack of evergreens there areas where there is little to no screening provided half the year.

Ms. Costa stated that Section 9.3 of the Bylaw does not apply to this project as it is for Industrial and Business districts and this project is located in the Residential district. The question was also brought up by the abutters and KP Law agreed that Section 9.3 does not apply to this project. Mr. Costa went on to state that it would be reasonable for the Board to request that Section 9.3 apply to the project due to its unique situation.

Mr. Mark Archambault, Town Planner, stated that he would like to see a delineation done in the 50 foot buffer area to show clearly what trees will be left in the area.

Mr. Burchard stated that during construction a delineation will be done and the best efforts will be made to save as many trees as possible.

Mr. Archambault stated that even a quick rough general since that will be left

Mr. Calvin Goldsmith, GPR Engineering, stated that existing foot path outer limit of the screening.

Chairman Fay opened the meeting for abutter questions.

Mr. Ken Diskin and Kevin Horgan, both residents of Madigan Lane, had some questions, concerns and comments for the Board.

Mr. Diskin submitted to the Board several photos of the footpath and stated the Board concern with screening for the driveway for the abutters. Mr. Diskin stated that all the screening is being done for the solar array and none is being done for the stormwater controls that will be in place along the driveway.

Mr. Geof Tillotson asked Mr. Burchard what the difference in elevation is from the abutting houses and solar array.

Mr. Burchard stated that the elevation difference is around 30 feet.

Mr. Diskin stated that he does not agree with the proposed screening and does not feel it will work for the abutters. Mr. Diskin provided the Board with pictures of another solar array in town and the screening done on the north side of the array right along the fence line. Mr. Diskin is requesting that the Board request similar for this project.

Mr. Goldsmith stated that due to the elevation of the houses adding screening along the fence line would make no difference in the view of the array. Mr. Goldsmith stated that it would do more to have screening placed along the abutter's property lines.

Mr. Kevin Hogan asked if the Board could move forward with the site plan review with the proposed project in the middle of an appeal to the Zoning Board of Appeals.

Chairman Fay stated that it would be out of order for the Board to comment on something the Zoning Board of Appeals is dealing with.

Chairman Fay stated that he wanted to go over the draft conditions at this time.

Mr. Costa stated that he wished to discuss the bonding requirements for the proposed project. Mr. Costa stated that he had no issue with the bonding for the decommissioning of the site but has some concern with the construction and maintenance bond requirements.

Mr. Costa stated that if the project was a normal subdivision a road way is constructed and done to town standards. Mr. Costa stated that there will be no subdivision or house lots at this time and the road way constructed is more for commercial use. Mr. Costa stated that if the driveway is not constructed it would not affect anyone as it is a private way on private property.

Mr. Mark Wetzel, Ayer DPW, stated the details in the construction of the driveway including the wetland crossing and stormwater controls are where his concern is on the construction. Mr. Wetzel stated that the construction of the driveway will affect the abutters and the wetlands if not completed or done correctly and wants the bond to ensure this is completed.

Mr. Costa stated that he has some question in the town requesting a maintenance bond and was wondering if there were any other examples of a maintenance bond required for Commercial projects. Mr. Costa stated he understands the concerns that Town has with the project, wants to make sure that his client is not being set to higher standards than other projects in town. Mr. Costa also mentioned that the cost of maintenance and inspections of storm water infrastructure for commercial projects is not typically bonded, as the town has authority besides a bond to ensure the maintenance of the storm water infrastructure is completed.

Mr. Mark Wetzel, DPW, stated that maintenance bonds were required for the Pingry Hill development due to another complicated storm water system. Mr. Wetzel stated that the DPW needs to make sure the system is maintained as it will effect residents on the other side of the proposed array.

Mr. Goldsmith stated that the proposed is not a subdivision and is private property with a maintenance plan.

Mr. Costa stated that if the Board requires all the bonds listed he asked that they consider allowing for a letter of credit in place of some of the bond monies.

Mr. Ken Diskin had one last comment/question for the applicant regarding the frontage listed on the plans. Mr. Diskin stated that the plans list the frontage for the project that is not accessible and stated that case law does not allow for illusory frontage.

Mr. Costa stated that the case law for illusory frontage applies to ANR lots not site plan review also the Town of Ayer's current Bylaw does not require physical access to project from listed frontage.

Chairman Fay stated that there are three items to get finalized before the next Planning Board meeting on November 2nd. First the conditions for the site plan that will need to be reviewed by Town Council. Second the maintenance plan will need to be finalized and agreed on by the DPW. And lastly the bonding amounts will need to be agreed upon.

At 7:25 PM Mr. Geof Tillotson made a motion to continue the public hearing for the site plan review for Ayer Solar II to the next Planning Board meeting on November 2nd. Ms. Sue Kennedy seconded. No discussion. The Board voted unanimously to continue the hearing. (3-0)

Meeting Adjournment

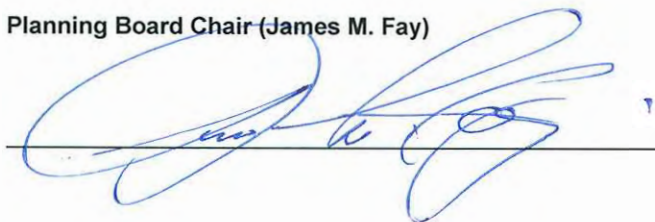
7:26 PM Mr. Geof Tillotson motioned to adjourn the Planning Board meeting. Ms. Sue Kennedy seconded. No discussion. The Board voted unanimously to adjourn. (3-0)

Minutes recorded and submitted by Heather Hampson, Administrative Coordinator

Planning Board Approval

11/2/17
Date

Planning Board Chair (James M. Fay)



A handwritten signature in blue ink, appearing to read 'James M. Fay', is written over a horizontal line.