



## PLANNING BOARD

### Town of Ayer

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Approved 7/24/2018

#### Minutes of July 10, 2018 - Ayer Planning Board Meeting

Location: Great Hall, Second Floor, Ayer Town Hall

Meeting was recorded by APAC

**Members Present:** James Fay, Chair, Geof Tillotson, Vice-Chairman, Sue Kennedy, Clerk, Ken Diskin, Julie Murray

**Also Present:** Mark Archambault, Town Planner

Chairman Jim Fay called the meeting 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. Sue Kennedy seconded. No discussion. Unanimous vote to approve. (5-0-0)

##### Approval of Meeting Minutes from June 26, 2018

At 6:16 PM Ms. Sue Kennedy made a motion to approve the minutes from June 26, 2018 as written. Mr. Ken Diskin seconded. Unanimous vote to approve. (5-0-0)

#### Public Hearing 186 Littleton Road, Brent Routhier

*Present: No one Present*

At 6:18 PM Ms. Sue Kennedy read aloud a public hearing notice thereby convening a public hearing to consider a request for a Special Permit application by Pingryville Realty Trust, Brent Routhier, Trustee to construct a 40'X60' accessory detached garage located at 186 Littleton Road within the Aquifer Protection Overlay District.

Chairman Fay asked Mr. Mark Archambault for an update on the application.

Mr. Mark Archambault stated that the applicant has asked for a continuance of the public hearing since the Board of Health, the former special permit granting authority for Aquifer districts applications, has not given their full comments on the application to the Board at this time.

At 6:21 PM Mr. Geof Tillotson made a motion to continue the public hearing for 186 Littleton Road until the next Planning Board meeting on July 24<sup>th</sup>. Ms. Julie Murray seconded. No discussion. Unanimous vote to approve. (5-0-0)

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TOWN OF AYER  
TOWN CLERK

*2:07 PM [signature]*

**Review, Site Plan – 4 Pearl Street, Lewis Frampton**

*Present: Lewis Frampton, Owner*

Chairman Fay stated that the Board continued the Site Plan review at the last Planning Board meeting to get clarification from Town Counsel and the Building Commissioner. Chairman Fay stated that according to Counsel's opinion, the Site Plan can be approved under the new Bylaw with the current parking with the condition that the spaces be striped.

**At 6:23 PM Mr. Geof Tillotson made a motion to approve the site plan for 4 Pearl Street with the condition that the parking area to be striped. Mr. Ken Diskin seconded.**

Discussion:

Ms. Sue Kennedy noted the Town Counsel's letter did not find the parking to be pre-existing non-conforming, but instead stated "if" the parking lot is pre-existing non-conforming.

Mr. Archambault stated that he gave Counsel all the information on the property that was inside the building file and assessor's records that show the house being constructed in 1880, with the parking sometime after that.

Ms. Kennedy expressed concern that the Zoning Board approval from 2011 was on an application for retaining wall that notes indicate was for the purpose of adding the parking lot in question. The ZBA approval for retaining wall did not include approval of the parking lot in question and is less than the 10 years required to be pre-existing non-conforming.

Mr. Tillotson stated that the Board requested the clarification from Town Counsel which the Board received along with a letter from the Building Commissioner and both agree the parking is available on site for the fifth unit.

**Vote: 3-1-1, Ms. Sue Kennedy objected and Ms. Julie Murray abstained.**

**Review, Site Plan – 28 Harvard Road Global**

*Present: Thomas Gibbons, Attorney for owner, Jesse Johnson, Engineer Bohler Engineering, Timothy Letton, Traffic Engineer Greenman-Pedersen Inc. and David Avery, Dan Berry and Kevin Doyle all from Global.*

Mr. Thomas Gibbons stated that the site plan for the property at 28 Harvard Road is for the construction of a convenience retail store and fueling station. The convenience store will be an Alltown brand store with both diesel and gasoline fueling stations. ~~Ms.~~<sup>Mr.</sup> Gibbons stated that the property did receive a Variance approval from the Zoning Board of Appeals on April 18, 2018. Mr. Gibbons stated that the developer has done public outreach regarding the project and no abutters attended the Zoning Board meeting or submitted any concerns. The proposed location of the convenience store and fueling stations maximizes the distance to the closest abutter and the existing wall of trees will remain on the property to help with screening. The existing gas station across the street will be decommissioned and additional jobs and taxes for the town will be created.

Chairman Fay asked how many jobs would be created.

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Mr. Jesse Johnson stated that there should be about 15 jobs created once the project is complete. Mr. Johnson went on to state that the proposed building will be 4800 square feet with a total of 16 gasoline fueling pumps and 4 diesel pumps on the existing 6 acre site. Mr. Johnson stated that all the parking is located in the front and side of the property and there will be a bypass lane around the building. The diesel pumps are located in the back of the property to keep the trailer trucks off Harvard Road for safety. There will also be separate turning lanes exiting the property. There is town water that will be extended to the site but the property will have a private septic system that is in the process of approval with the Board of Health.

Mr. Johnson described the Stormwater Management plan with the Board.

Mr. Timothy Letton went over the traffic study with the Board. Mr. Letton stated that the study was conducted in March of 2018 and looked at traffic counts and speed along Harvard Road. Mr. Letton stated that in the last 5 years the Ayer Police have had only one traffic accident on record but stated that the average speed along Harvard Road is faster than posted.

Mr. Letton went over the peak and off peak weekday and weekend traffic counts and stated that the new convenience store and fueling station will likely generate 190 new trips in the AM and PM and 196 on weekends. Mr. Letton stated that the amount of trips do not justify the need for a turn lane along Harvard Road to enter the site.

Chairman Fay stated that the Board needs to vote to accept the plans for the Site Plan Review.

**At 6:54 PM Ms. Sue Kennedy made a motion to accept the plans for 28 Harvard Road for the proposed convenience store and fueling station to be considered for Site Plan Review. Mr. Geof Tillotson seconded. No discussion. Unanimous vote to accept the plans for consideration. (5-0-0)**

Chair Fay asked if the applicant had the Department of Public Works Superintendent, Mark Wetzel's comments on the Site Plan.

Mr. Johnson stated that they have received Mr. Wetzel's memo and will ensure that all items will be addressed before the plan is approved.

Ms. Sue Kennedy stated that she had some concerns with the traffic study.

Chair Fay stated that the Board will have a peer review of the traffic study and will need to vote to approve to move forward in hiring a consultant.

**At 7:00 PM Mr. Geof Tillotson made a motion to hire a peer review consultant at the applicant's expense to review the traffic study that was submitted for the project at 28 Harvard Road. Ms. Julie Murray seconded. No discussion. Unanimous vote to approve. (5-0-0)**

Mr. Diskin asked if the applicant reviewed the request for sidewalks along Harvard Road.

Mr. Gibbons stated that at the next meeting they will be in a better position to reply to the request.

Mr. Geof Tillotson asked if the 3 parcels listed on the plan were all owned by the same company.

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Mr. Gibbons stated that there is a long term lease on all three parcels.

The Site Plan review will be continued to the next Planning Board meeting on July 24, 2018

A site visit is scheduled for July 17<sup>th</sup> at 9:00 AM.

#### **Public Hearing Site Plan Regulations**

**At 7:10 PM Ms. Sue Kennedy read aloud a public hearing notice there by convening a public hearing to approve Site Plan Regulations.**

Mr. Archambault stated that there have been no changes to the Site Plan Regulations draft from the last meeting but did update them to add abutter notifications required for all site plan applications.

**At 7:14 PM Mr. Geof Tillotson made a motion to accept the Site Plan Regulations as presented. Ms. Julie Murray seconded. No discussion. Unanimous vote to approve. (5-0-0)**

#### **Town Planner Update**

##### **Subdivision Regulations**

Mr. Archambault stated that the subdivision working group has finished the definition section of the Subdivision Regulations. Mr. Archambault stated that he is hoping to bring the completed regulations to the Board in the early fall.

##### **48 Central Ave, Update**

Mr. Archambault stated that the Department of Public Works has been checking on the site and there is now trap rock at the entrance to the property to help with runoff.

##### **Montachusett Regional Planning Commission**

Mr. Archambault informed the Board that he will be attending a meeting of the MRPC Transportation Committee next week and will update the Board at the next meeting.

#### **Administrative Announcements**

##### **New Business**

Invoice, Lowell Publishing \$162.52

Chairman stated that there is one bill to be paid for the two public hearing notices for the Board in the June 29<sup>th</sup> edition of the Nashoba Voice in the amount of \$162.52.

**At 7:26 PM Mr. Geof Tillotson made a motion to approve the payment of \$162.52 to Lowell Publishing for the two public hearing notices from June 26, 2018. Mr. Ken Diskin seconded. No discussion. Unanimous vote to approve. (5-0-0)**

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**Meeting Adjournment**

At 7:27 PM Mr. Geof Tillotson made a motion to adjourn. Mr. Ken Diskin seconded. No discussion. The Board voted unanimously to adjourn. (5-0-0)

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Minutes recorded and submitted by Heather Hampson, Administrative Coordinator

Planning Board Approval

7/24/18  
Date

Planning Board Chair (James M. Fay)

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