

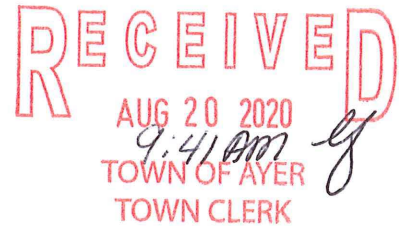
PLANNING BOARD

Town of Ayer

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Approved 7/14/2020



Minutes of June 23, 2020 - Ayer Planning Board Meeting

Location: First Floor Meeting Room, Ayer Town Hall

Meeting was recorded and broadcast by APAC

Members Present: Geof Tillotson, Chairman; Ken Diskin, Vice Chairman; Jonathan Kranz, Clerk; Nathan King, and Julie M. Murray (all participating remotely)

Also Present: Mark Archambault, Town Planner

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

General Business

Approve the Agenda

At 6:15 PM Mr. Jonathan Kranz made a motion to approve the agenda. Mr. Ken Diskin seconded. No discussion. Unanimous vote to approve. (4-0-0)

Public Hearing Special Permit 3-5 Park Street

Present: Mr. Robert and Thomas Gardner, Applicants and David Berry, property owner

Mr. Mark Archambault stated that the applicant is seeking a Special Permit under the Off Street Parking Sections 9.1.2 and 9.1.2A and from Section 9.1.4B, 9.1.5.C5, 9.1.9B and 9.1.10 A, B, and C of the Ayer Zoning By Law. A Site Plan will be filed later for a 4-story mixed used building that will have apartments and commercial. Recommendation for this evening that the Board opens the public hearing and accepts the plans and application. Mr. Archambault spoke with Town Council regarding the Parking Sections of the Bylaw to ensure the request is correct. Mr. Archambault does have a few findings for the Board to consider acting upon this evening. The Gardner's have also included the PNS as part of the application the shows an agreement to allow for parking at a nearby lot owned by Mr. David Barry.

Mr. Jonathan Kranz stated that he did not feel that it is appropriate to discuss the Special Permit at this time due to Planning Board Regulations Section 5.M that indicate that they should be held at the same time. Without a Site Plan, there may be legal issue regarding the Public Hearing. Mr. Kranz asked how the Board could vote on a Special Permit for a future building and Site Plan when the Board does not have the Site Plan to review.

Mr. Archambault disagreed with Mr. Kranz, stating that if the Special Permit is not granted for the Parking then it will drastically change the Site Plan application.

Ms. Julie Murray asked how the Board can make a decision on the plan with out a plan.

Mr. Archambault stated that within Form-Based Code there will be a four-story building with 17 apartments proposed.

Ms. Murray stated she still has questions and wondered if Town Council needs to be asked if the Applicant will be held to the decision of the Board.

Mr. Robert Gardner stated that he spoke to the Planning Office prior to submitting the application and stated that he will not move forward with the building if the Special Permit is not granted.

Mr. Thomas Gardner stated that they submitted a square footage plan based on the assessor's map and would be held to that square footage plan.

Chairman Tillotson stated that he also questions moving forward on this Special Permit for a different reason since the applicant does not own the property at this time.

Mr. David Berry, property owner of both 3&5 Park Street, stated when the Board approved the Form-Based Code parking was left out of the zoning change. To sell the property Mr. Gardner needs to ensure he can build something on the property. The Special Permit application asks for the relief for the parking to move forward.

Mr. Ken Diskin stated that he would like to rely on the professionals in Town Hall. If Mr. Archambault thinks the application can move forward, then the application should be heard. He believed we should open the hearing and move on from there.

At 6:30 PM Mr. Ken Diskin read aloud the public hearing notice as posted for 3-5 Park Street.

At 6:33 PM Mr. Ken Diskin made a motion to open the public hearing for the Special Permit for 3-5 Park Street. Mr. Nathan King seconded. NO discussion. Vote to approve (4-1, Mr. Kranz voted nay)

Ms. Murray had a few questions regarding the opening the hearing.

Chairman Tillotson stated the Board has opened the hearing and the previous discussion will be looked at further, but will now move forward on the Special Permit application.

Chairman Tillotson asked the Board for questions on the application.

Mr. Nathan King asked how long much time the Board has to make a decision on the application.

Mr. Archambault stated the Board has 90 days to decide.

Chairman Tillotson stated that he has a few concerns with the application. One being that the applicant is not the legal owner of the property (although there is a signed PNS for the sale of the property). The number of units in the proposed building is 17, but the agreement in the PNS states 1-18 parking spaces; Chairman Tillotson, asked how that number was determined.

Mr. Robert Gardner stated that he has a signed PNS on the property that has been extended due to COVID. The latest agreement was signed yesterday to include the parking as approved at Town Meeting to allow for one space per unit and a visitor space.

Mr. Thomas Gardner stated that the reason is 1-18 is that they wanted to give the future tenants the choice to have a parking space or not. The spaces are reserved for the tenants, but all may not be used, we have the right to use all 18 at any point.

Chairman Tillotson stated with the units being rentals the number of spaces can change from year to year.

Mr. Thomas Gardner stated that is correct and the lease for the parking spaces from Mr. Barry is for the maximum needed even though they might not need them all from year to year.

Chairman Tillotson asked what would happen if one of the properties were to sell.

Mr. Robert Gardner stated that the parking lease agreement will be recorded with properties.

There was a brief discussion regarding the Special Permit application prior to the Site Plan as well as ownership of the property.

Mr. Archambault stated that he has spoken to Town Counsel regarding the section of the Bylaw that applies to parking. Reviewed Mass General Laws and does not see an issue but since there is time, he can speak to Counsel regarding the Board's questions on the Special Permit before Site Plan submission, as well as prior to the applicant owning the property.

Chairman stated that he is comfortable not going to Council with that question.

Mr. Diskin stated that the question should have been brought up at this time. The Board does have the right to waive the Rule and Regulations that ask for them to be heard concurrently. Mr. Diskin stated that the application was very complete, and the Board can go over the application with the applicant. Mr. Diskin stated that he would like the applicant to go over the application with the Board and continue to the next meeting when the Board may get an answer from Council.

Mr. Kranz asked if the 1-18 parking spaces as stated in the lease agreement fit in the parking lot.

Mr. Barry stated that the lot is not striped at this point but stated that the lot can fit that many spaces that there are about 80 spaces currently.

Mr. Thomas Gardner and Robert Gardner went over the plans submitted for the application and the regarding the proposed parking.

Mr. Robert Gardner went over the Sections requested as part of the Special Permit application and the location and current conditions of the lot. There will be a mixed use 4-story building constructed on the site with commercial use on the first floor and 17 residential units on the remaining 3 floors. There will be a choice to have a car and parking in the transit-oriented area of the town. There will also be bike storage for the residents.

Mr. Thomas Gardner went over the proposed parking as required under current zoning. Mr. Gardner went over the proposed parking plan that uses the lease for parking at an adjacent lot, accommodates bike storage and waives the need for visitor parking. He Proposes bike storage for all units indoors.

Shared parking is within 1000 feet as required as well as the pathway from the building to the parking which is the same distance as the Mart path from the parking garage to the train station.

Mr. Robert Gardner went over the lease agreement that has been signed between the Gardner's and Mr. Barry that will be for 1-18 parking spaces for 25 years and will be recorded to go with the properties.

Mr. Thomas Gardner went over the waiver requests and property details, addressing the current driveway, and the difficulty of adding an additional driveway on to an already busy intersection, and the restriction to build to the character of the Form-Based code with the required parking on site.

Chairman Tillotson asked if the Board had any questions.

Mr. Diskin stated that he does not feel the Board needs to act on the request for the bicycle storage. Mr. Diskin stated that there are handicapped parking requirements and suggested that the applicant look at ADA requirements prior to Site Plan. Asking for a clear exhibit of the parking off site at Mr. Barry's parking lot. Mr. Diskin had a question about the deed request for the shared parking and the waivers requested.

Mr. Thomas Gardner went over the details of the agreement for the parking offsite.

Mr. Nathan King expressed concern about the waiver request mentioning the Mart parking garage stating that it is not up to the Board or the applicant to assume parking for possible tenants for visitors at a private parking garage.

Mr. Thomas Gardner stated that the mention of the Mart parking garage was for reference only; there is no implication it can be used.

At 7:20 PM Mr. Jonathan Kranz made a motion to continue the public hearing for 3-5 Park Street to the next meeting on July 14, 2020.

Continued Public Hearing Special Permit 14 Washington Street

Continued Site Plan Review 14 Washington Street

Present (remotely) Kyle Burchard, GPR Inc. Engineer and representative

Mr. Archambault stated that the office received revised plans just this week for the project. Mr. Archambault suggested that the Board continue the Site Plan Review and Public Hearing for the Special Permit both for 14 Washington Street to the next meeting.

Mr. Kyle Burchard stated that he agrees with Mr. Archambault to continue review of both items for 14 Washington Street as it will give both the Board and DPW time to review the revised plans.

At 7:25 PM Mr. Jonathan Kranz made a motion to continue the Site Plan Review and hearing for the Special Permit for 14 Washington Street to the next meeting on July 14, 2020. Ms. Julie Murray seconded. No discussion. Unanimous vote to approve. (5-0-0)

Site Plan Review 75 Sandy Pond Road Cannongate Condominium

Present (remotely): Kyle Burchard, Engineer at GPR, Inc and abutters Brian Lewis and Christopher Valentine

Chairman Tillotson stated that the last few documents that the Board and DPW requested have been submitted. These documents are the soil samples on the property, an Operations and Maintenance Plan and a photometric plan.

Mr. Archambault stated that those documents have been received by the Planning Office and he went over the photometric plan with a fellow Planner and both are satisfied that the plan shows that the lights will not spill over to the adjunct properties. The DPW is satisfied with the soil test and Operation and Maintenance Plan.

Mr. Kranz asked Mr. Burchard to go over the photometric plan to show how it addresses abutter concerns.

Mr. Burchard went over the updated Site Plan and the photometric plan with the Board. On the Site Plan a hedge was added along Mr. Lewis' property and Cannongate Condominium to address Mr. Lewis' concerns regarding a fence that was removed. The photometric plan has new light features and pole heights that better fit the requirements. The new pole height is 12-foot total height which is 4 feet lower. The lights have been changed to a lower light level and brightness. There are 21 poles across the driveway where there are currently 5. The lights will also have shields on them to keep light from being broadcast off site. The photometric plan shows no candlelight being shown off site. The plan addresses all the concerns brought up at the last meeting.

Mr. Diskin stated that he reviewed that new plans as submitted and commented that there were substantial improvements made.

Mr. Brian Lewis thanked Mr. Burchard for the improvements to the plans. Mr. Lewis had one question regarding any future work at Cannongate asking that they meet the requirements as set by the Board this evening.

Mr. Burchard stated that was not aware of any other work proposed on the property at this time. Stating any future changes would need to come before the Board for approval.

Mr. Lewis asked about current lights on the building asking if the Board could require those to be shielded as well.

Mr. Archambault stated that the Board can request shielding.

Chairman Tillotson stated that the Bylaw is enforced by the Building Commissioner and requested that Mr. Lewis bring any issues of violations to the Lighting Bylaw to the Building Commissioner for enforcement.

Mr. Chris Valentine asked about the catch basin that was mentioned at the last meeting wondering about trees in the area being removed.

Mr. Burchard stated that there are several large trees outside the limits of grading.

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Mr. Valentine stated that he would like to see the area with the trees added to the plans as be not be disturbed.

Mr. Burchard stated that the trees are outside the limit of grading and doesn't see them being removed.

Chairman Tillotson stated that the project will be going before the Conservation Commission and that would be the place to discuss the removal of the trees.

Mr. Diskin requested that the applicant mark the area of the basin and the trees that maybe removed in the area for the residents.

Mr. Archambault does not see any additional conditions to add to the Site Plan Approval.

Mr. Diskin requested another condition that a stamped letter be sent at the completion of the project to ensure that all the items have been completed to the Site Plan's specifications.

At 7:48 PM Mr. Jonathan Kranz made a motion to approve the Site Plan for 75 Sandy Pond Road with the condition that a letter be submitted stating that the project has been completed to the plans. Mr. Diskin seconded. No discussion. Unanimous vote to approve. (5-0-0)

Amended Site Plan, Ayer Solar II

Present: Mr. Kyle Burchard, Engineer GPR, Inc.

Mr. Burchard stated that he would like to continue the discussion on the amended Site Plan to the next Planning Board meeting on July 14, 2020.

Town Planner Update

Mr. Archambault stated that he did not have any updates for the Board this evening.

Minutes from June 9, 2020

At 7:51 PM Mr. Jonathan Kranz made a motion to approve the minutes from June 9, 2020 as presented. Mr. Ken Diskin seconded. No discussion. Unanimous vote to approve. (5-0-0)

Meeting Adjournment

At 7:52 PM Mr. Jonathan Kranz made a motion to adjourn the meeting.

Minutes recorded and submitted by Heather Hampson, Administrative Coordinator

Planning Board Approval

7/14/2020
Date

Approved 7/14/2020

Planning Board Chairman (Geof Tillotson)

