

## PLANNING BOARD

### Town of Ayer

1 Main Street, Ayer, MA 01432

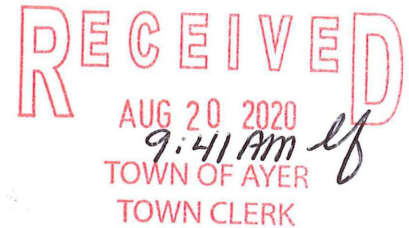
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Approved 8/11/2020

#### Minutes of July 14, 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 6:17 PM Mr. Jonathan Kranz made a motion to approve the agenda. Mr. Ken Diskin seconded.**

**Discussion: Mr. Jonathan Kranz mentioned the letter to continue both agenda items for 14 Washington Street and Ayer Solar II. Unanimous vote to approve. (5-0-0)**

#### Review, ANR Plan 33 Sandy Pond Road

*Present: Jason Goyette, David E. Ross Associates*

Mr. Jason Goyette stated that he is representing the owner of the property, Mr. Roger Kinnard who is looking to create 2 ANR lots at 33 Sandy Pond Road. Both lots will meet lot size and frontage requirements. The two existing houses on the property will be razed before new homes can be built on them.

Mr. Jonathan Kranz asked Mr. Archambault if there were any issues with the ANR plan.

Mr. Mark Archambault stated that the ANR is very simple and has no concerns with the proposed.

**At 6:22 PM Mr. Jonathan Kranz made a motion to endorse the ANR plan dated June 15, 2020, for 33 Sandy Pond Road for the creation of 2 lots as presented. Mr. Nathan King seconded. No discussion. Unanimous vote to approve. (5-0-0)**

#### Public Hearing Special Permit 3-5 Park Street

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

**At 6:25 PM Mr. Jonathan Kranz made a motion to open the continued public hearing for the Special Permit for 3-5 Park Street. Mr. Nathan King seconded. No discussion. Unanimous vote to approve. (5-0-0)**

**At 6:36 PM Mr. Ken Diskin made a motion to accept the three findings drafted and read by Mr. Archambault. Mr. Jonathan Kranz seconded.**

**Discussion:** Mr. Diskin stated that we are deciding that we are to separate the Site Plan and the Special Permit according to the research discussed. Chairman Tillotson stated that as expressed in Attorney Gibbons' letter, if a Site Plan never comes before the Board, the Special Permit, has no effect. Mr. Archambault stated that the Special Permit is good for 2 years so if a Site Plan is not approved in that time, the Special Permit expires. Chairman Tillotson stated that he would like to see a simple plan showing the parking spaces for the 3-5 Park Street. Attorney Gibbons stated that the Board can vote tonight to approve the idea of off-site parking spaces and then during Site Plan discussions can request the layout and other details for the Site Plan. Attorney Gibbons stated that approving the Special Permit will allow the Gardner's to move forward with their plan.

**Unanimous vote to approve the FINDINGS (5-0-0)**

Chairman Tillotson stated that with the findings we are now able to review the Special Permit.

Mr. Archambault said the issues were what the Planning Board would like to see in a plan for the off-site parking and what the time frame for a simple site plan for the spaces would be. The Planning Board also needs to approve the number of spaces allowed off-site. There has been some discussion about 2 spaces being removed for bike storage. The Board needs to decide if they want more information on the layout of the parking before voting on the Special Permit

Mr. Kranz said that Attorney Gibbons suggested that we could approve the idea of the spaces and require more detail in the Site Plan. Mr. Kranz suggested that the Board start the discussion there and asked the Board for their thoughts.

The Board discussed the number of spaces needed off site.

Mr. Thomas Gardner said that they are looking for 18 spaces off site, 17 residential units.

Mr. Diskin asked Mr. Thomas Gardner to make sure that they have 18 spaces every year throughout the lease whether they are needed or not.

Mr. Thomas Gardner stated that was correct.

Mr. Diskin stated that he is leaning to allowing the offsite parking but will need to see a drawing. Noting that there is no striping on the Worthen Dale lot and there is tenant-only parking there now, would like to see where the spaces will be now, and have more detail when approving the site plan later.

Chairman Tillotson said that land uses change over time; if the owner decides to change the building and parking as it sits now, with a 25-year lease, how will changes affect the 18 spaces and their location?

Mr. David Berry stated that he will provide the 18 spaces. He will need excess parking at Depot Square and intends to build a two-story garage that will accommodate 80 plus cars. He will need parking for his tenants and Mr. Gardner's tenants as well as for any future expansion.

Attorney Gibbons stated that there will be a 25-year lease that will be recorded as a notice of lease.

Mr. Diskin said that lease must have a parking exhibit to show their locations.

Attorney Gibbons stated that it will, but does not feel it is needed at this time as it is a requirement for the site plan.

Chairman Tillotson stated that he likes to see plans as well but it sounds like all the parties agree. He is ok with including the parking plans with the site plan.

Mr. Archambault stated that the Board should discuss the waivers including the bicycle parking and the two other waivers. This will also allow the Board to get a definitive number of spaces to be located off site.

Mr. Kranz stated that he was confused; he thought we agreed that it was 18 spaces and questioned the reintroduction of the waiver for the bicycle parking.

Mr. Archambault stated that there are 18 spaces, one for each unit and one visitor space but Section 9.9.B references a waiver related to bicycle parking.

Mr. Kranz read Section 9.1.9.B into the record which states that a maximum of 2 required vehicle parking spaces may be used for bicycle parking. It does not allow the use of an area for parking bicycles to contribute to the parking space count.

Mr. Diskin agreed, stating that since the plan showed bicycle parking inside the building, the question does not apply to the application.

Attorney Gibbons stated that Section 9.1.9.B allows you to use up to two spaces for bike racks. In this case the waiver was requesting to use two spaces for two bike racks; the plan would be short two spots but the net would be the same. They would be allowing for bike spaces for all units on-site and not using off-site car parking for bicycles.

Mr. Diskin stated that he did not agree. There are 18 spaces and they are located off-site. He wanted to see the bike parking discussion removed from the application.

Mr. Robert Gardner agreed and is fine with removing the waiver requesting allowance for the bike parking.

Attorney Gibbons asked Mr. Thomas Gardner if they would still be looking for a waiver to Section 9.1.10.A for the visitor parking. The wavier was requested due to the site location near the MART garage.

Mr. Thomas Gardner stated that they are ok with the 18 spaces location off site.

Mr. Nathan King asked if both sections 1 and 3 from the special permit application for Section 9.1.9B and Section 9.1.10.A were being removed from the request as discussed.

Mr. Thomas Gardner stated yes.

Mr. King stated that they are making good progress with the offsite parking with the 18 reserved spaces at the Worthen Dale lot and would request that one space be listed at visitor parking for 3-5 Park Street.

Mr. Berry stated that the signage for that can be done.

Mr. Robert Gardner stated that he is fine with the 18 spaces.

Chairman Tillotson clarified that the waivers requested for Section 9.1.9.B for bicycle parking and Section 9.1.10.A for visitor parking are no longer part of the request for the special permit.

Mr. Thomas Gardner stated that is correct and the shared off-site parking is for 18 spaces.

Mr. Archambault stated that Town Counsel recommended that the Planning Board make a finding for the reserved parking; to accommodate their opinion; there is a finding the Board can review as well as one for parking management plan. Mr. Archambault read his pre-approval findings as listed in his staff report.

Mr. Diskin stated that he does not feel the Board needs to make the findings at all and the Board just needs to vote on the Parking Management plan with the changes as discussed, this evening.

Mr. Archambault stated if the Board is ready to vote on the special permit this evening, he would need to read into the record the findings for approval and has a few draft conditions as well.

Chairman Tillotson agreed with Mr. Diskin about not needing the pre-approval findings and will not include them, but will go forward with the parking management plan that the Board has been discussing.

Mr. Thomas Gardner stated that the parking management plan will be submitted as part of the site plan.

Mr. Archambault read aloud the findings for approval of the special permit as listed in his staff report that apply to all special permits.

Mr. Archambault then read aloud the draft conditions of approval for the special permit.

Mr. Nathan King stated that he had two comments. On Finding 2 he asked to remove the wording about removal of curb cuts and safety, not wanting to make any assumption on safety.

Chairman Tillotson stated that he is fine with striking the sentence as well.

Mr. Diskin stated that he agreed with Mr. King's comment as well as we do not know about curb cuts as there is no site plan that shows curb cuts.

Chairman Tillotson had a comment regarding Finding 1 and is looking to change some of the wording.

Mr. Diskin agreed that the word "reserve" needed to be removed from the finding.

Chairman Tillotson read aloud the revised Finding 1.

Chairman Tillotson commented on Condition 2 requiring a final signed lease prior to any building permits.

Attorney Gibbons agreed and would be recording a notice of lease.

Mr. Kranz asked if the number of spaces, 18, needed to be added into the decision at some point.

Mr. Archambault recommended that the number of spaces be added to one of the findings.

Chairman Tillotson suggested that the number of spaces be added to Condition 1 to read "the applicant / owner shall notify the Planning Board of the 18 parking spaces included in the Parking Management Plan at 3-5 Park Street and any changes".

Mr. Diskin said he was comfortable moving forward with the knowledge that the Board will see the final decision at the next meeting but will vote to approve with the items discussed this evening.

Mr. Kranz and Mr. King agreed with Mr. Diskin.

**Conditions are as follows:**

1. The applicant / owner shall notify the Planning Board of the specific location of the 18 parking spaces included in the Parking Management Plan for 3-5 Park Street, and the Planning Board requires the applicant/ owner to provide additional information regarding any changes to the Parking Management Plan.
2. The applicant / owner will provide a copy of the final signed lease agreement for off-site parking in the Worthen Dale Realty Parking Lot to the Planning Department prior to any building permit being issued for 3-5 Park Street.
3. Pursuant to Ayer Zoning Bylaw Section 9.1.4.B, the off-site and shared parking arrangement / agreement for 3-5 Park Street and the Worthen Dale Realty Corp. parking lot shall be reviewed by Ayer Town Counsel and recorded with the property deed prior to any occupancy permits being issued for apartments at 3-5 Park Street.
4. Thereafter, if there are any changes to the conditions of such lease agreement after the periodic review by the parties, such revised lease agreement shall be filed with the Ayer Planning Board.
5. The applicant shall file a simple site plan with the Ayer Planning Department showing that there is enough area at the Worthen Dale Realty Parking Lot to accommodate 18 parking spaces meeting the parking dimensional standards in Ayer Zoning Bylaw Section 9.1.5 A. This plan must be submitted prior to Planning Board approval of any Site Plan for a new mixed use or residential building at 3-5 Park Street.

**At 7:30 PM Mr. Jonathan Kranz made a motion to approve the findings and conditions as discussed. Mr. Nathan King seconded. Discussion: Mr. Ken Diskin asked about the time frame for the discussion. Ms. Hampson informed the Board that the decision needs to be filed by July 27<sup>th</sup> the day before the next meeting. Unanimous vote to approve. (5-0-0)**

At 7:34 PM Mr. Jonathan Kranz made a motion to continue the public hearing for 3-5 Park Street to the next Planning Board Meeting on July 28, 2020. Ms. Julie Murray seconded. No discussion. Unanimous vote to approve. (5-0-0)

**Continued Public Hearing Special Permit 14 Washington Street**

At 7:36 PM Mr. Jonathan Kranz made a motion to continue the public hearing for the Special Permit for 14 Washington Street to the next Planning Board meeting on July 28, 2020 as requested by the GPR, Inc. Mr. Ken Diskin seconded. No discussion. Unanimous vote approve. (5-0-0)

**Continued Site Plan Review 14 Washington Street**

At 7:37 PM Mr. Jonathan Kranz made a motion to continue the Site Plan Review for 14 Washington Street to the next Planning Board meeting on July 28, 2020 as requested by the GPR, Inc. Mr. Ken Diskin seconded. No discussion. Unanimous vote approve. (5-0-0)

**Amended Site Plan, Ayer Solar II**

At 7:37 PM Mr. Jonathan Kranz made a motion to continue the Amended Site Plan Review for Ayer Solar II to the next Planning Board meeting on July 28, 2020 as requested by the GPR, Inc. Mr. Nathan King seconded. No discussion. Unanimous vote approve. (5-0-0)

**Board Reorganization**

At 7:38 PM Mr. Ken Diskin made a motion to keep Geof Tillotson as Chairman until the next town election. Mr. Jonathan Kranz seconded. No discussion. Unanimous vote to approve. (5-0-0)

At 7:39 PM Chairman Tillotson made a motion to keep Ken Diskin as Vice Chairman until the next town election. Mr. Jonathan Kranz seconded. No discussion. Unanimous vote to approve. (5-0-0)

At 7:40 PM Mr. Ken Diskin made a motion to keep Mr. Jonathan Kranz as Clerk until the next town election. Ms. Julie Murray seconded. No discussion. Unanimous vote to approve. (5-0-0)

**Town Planner Update**

Mr. Archambault stated that the Planning Office received a letter from Mass Development regarding the redevelopment of Vicksburg Square. The letter stated that the planned Super Town Meeting for this fall for the rezoning of the area has been postponed due to the pandemic. The letter was forwarded to all Board members.

**Minutes from June 9, 2020**

Chairman Tillotson asked that the minutes be checked for the correct spelling of names prior to signature.

At 7:44 PM Mr. Jonathan Kranz made a motion to approve the minutes from July 14, 2020 as presented. Ms. Julie Murray seconded. No discussion. Unanimous vote to approve. (5-0-0)

**Meeting Adjournment**

*Approved 8/11/2020*

**The Planning Board meeting adjourned at 7:44 PM**

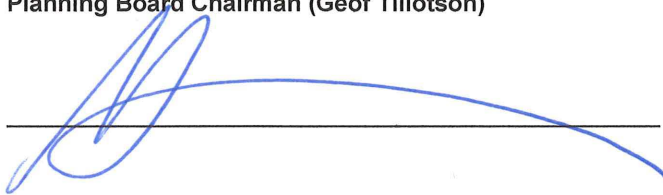
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Minutes recorded and submitted by Heather Hampson, Administrative Coordinator

Planning Board Approval

8/17/2020  
Date

Planning Board Chairman (Geof Tillotson)



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