



## PLANNING BOARD

### Town of Ayer

1 Main Street, Ayer, MA 01432

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

Approved 4/27/2021

#### Minutes of April 13, 2021 - Ayer Planning Board Meeting

Location: First Floor Meeting Room, Ayer Town Hall via Zoom

Meeting was recorded and broadcast by APAC

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TOWN OF AYER  
TOWN CLERK

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

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

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

**At 6:15 PM Chairman Tillotson read aloud the COVID-19 Emergency Order from Governor Baker allowing for remote participation meetings.**

#### General Business

##### **Approve the Agenda**

**At 6:16 PM Mr. Jonathan Kranz made a motion to approve the agenda as presented. Ms. Julie Murray seconded. No discussion. Vote to approve by roll call vote: Mr. Nathan King, aye; Ms. Julie Murray, aye; Mr. Jonathan Kranz, aye; Mr. Ken Diskin, aye, and Chairman Tillotson, aye.**

#### Discussion, Peter DeCarolis and Paul Alphen, John Carroll Reserve Subdivision

*Present: Paul Alphen, Attorney and Peter DeCarolis, owner and Cal Goldsmith and Nicholas Pauling from GPR, Inc.*

Attorney Paul Alphen stated that they are before the Board this evening with a simple request. The subdivision off Littleton Road was approved with most of the lots having concrete slabs instead of full basement foundations. Mr. Peter DeCarolis would like to have full foundations on 14 lots within the subdivision that were approved with slabs. The engineers at GPR, Inc. that designed the subdivision have made the changes on a plan and have done the calculations for the added fill and there is no change to the stormwater or drainage on the site.

Mr. Mark Archambault stated that he had forwarded the request and the plans to both Mr. Mark Wetzel, Superintendent of the Department of Public Works and Mr. Dan Van Schalkwyk, Town Engineer for them to review to ensure there is no change to the stormwater calculations, drainage, and slopes. Mr. Archambault recommended to the Board that they continue the discussion on the change to the plans till the DPW has submitted their comments.

Mr. Jonathan Kranz asked why there is a request for the change from slabs to full basements on site.

Mr. Cal Goldsmith stated that it was the previous owner of the property that requested that slabs be designed for most of the project. With the new owner, Mr. DeCarolis, the request was made to change the plans to have more full basements on the lots than slabs.

Mr. Peter DeCarolis stated that when he bought the project, he asked GPR, Inc. to make the changes on the plans and do the calculations for the foundations on site. Mr. DeCarolis stated that only 14 lots will be changed and there will still be 3 lots with slabs on grade and 2 lots with split style houses.

Mr. Ken Diskin asked to have a plan drafted that highlights the house lots that will be changed from slabs to foundations.

Several abutters of the project spoke to the Board about concerns with water in the area and possible additional water runoff to their properties and adjacent wetlands.

Mr. Diskin stated that along with DPW review of the changes, the Building Commissioner will be doing inspections on site while the houses are under construction to ensure that the houses are built to the plans.

Mr. Archambault stated that he has requested that the DPW get their comments back to him by April 20<sup>th</sup> so that the Board will have time to review them before the next meeting.

The item will be discussed at the next meeting on April 27, 2021.

**Review, Shaker Road Subdivision Plan**

*Present: Alan Shocket, Attorney for Mr. Daniel Aho and Daniel Aho, owner*

Mr. Archambault stated that a condition within the approval for the subdivision off Shaker Road a covenant and bonding is required for the project.

Mr. Alan Shocket stated that Mr. Aho has been working on the site for the past few weeks and plans on building the road and sidewalk to binder coat and will be requesting a cash bond be used as a form of escrow.

Mr. Dan Aho informed the Board of his intentions to complete the road and sidewalk to binder coat as well as completing the putting in both water and sewer in the street to each lot. Mr. Aho stated that he would be willing to put up a larger bond if the Board will allow him to build two model homes.

The Board agreed to allow for the model homes to be built with a larger bond being posted.

**At 7:06 PM Mr. Jonathan Kranz made a motion to endorse and sign the mylar for the Open Space Residential Subdivision on Shaker Mill Pond. Ms. Julie Murray seconded. No discussion. Vote to approve by roll call vote: Ms. Julie Murray, aye; Mr. Nathan King, aye; Mr. Ken Diskin, aye; Mr. Jonathan Kranz, aye and Chairman Tillotson, aye.**

**ANR, Stephen Dunne 5 Mountain Ave 1 New lot**

*Present: Mark Lavalley and Nicholas Pauling engineers from GPR, Inc.*

Mr. Archambault went over the ANR application which is to split an existing lot to create a Parcel A. Mr. Archambault stated that when reviewing the application some questions come up on the status of Mountain Ave. and if it is a town accepted road. The newly created Parcel A would be located on a non-paved section of Mountain Ave as well bringing in issues with a created parcel on a paper road.

Mr. Mark Lavalley stated that he did a bit of research on the status of Mountain Ave and found a letter from 1978 stating that the road was a town road.

Mr. Ken Diskin stated that the plans submitted to the Board were not complete and do not meet the ANR plan standards and requested that the applicant request to withdraw the application without prejudice.

Ms. Susan Copeland, Town Clerk, mentioned to the Board that she had reviewed town records and the road was never accepted as a public road at a town meeting. Ms. Copeland stated she is aware of the letter Mr. LaValle mentioned but the town records do not show the road accepted as a public way.

Several abutters were present at the meeting and expressed concern regarding the vacant parcel that will be made because of the ANR and any potential building on the parcel.

**At 7:34 PM Mr. Jonathan Kranz made a motion to accept the request to withdraw without prejudice with the understanding that a written request will be received in the Planning Office. Ms. Julie Murray seconded. No discussion. Vote to approve by roll call vote: Mr. Nathan King, aye; Mr. Ken Diskin, aye; Mr. Jonathan Kranz, aye' Ms. Julie Murray, aye and Chairman Tillotson, aye.**

**Public Hearing – Special Permit, 1 Nemco Way, Catania Spagna Oils**

**Site Plan Review, 1 Nemco Way, Catania Spagna Oils**

*Present: Paul Chisolm and Bridget Souza from Keach-Nordstrom Associated, Inc. Joseph Basile, Scott Whitney and Dan Brackett from Catania.*

**At 7:35 PM Mr. Jonathan Kranz made a motion to open the continued public hearing for the Special Permit for 1 Nemco Way Catania Spagna Oils. Ms. Julie Murray seconded. No discussion. Vote to approve by roll call vote: Mr. Nathan King, aye; Mr. Ken Diskin, aye; Mr. Jonathan Kranz, aye; Ms. Julie Murray, aye and Chairman Tillotson, aye.**

**At 7:36 PM Mr. Jonathan Kranz made a motion to open the continued Site Plan Review for 1 Nemco Way Catania Spagna Oils. Ms. Julie Murray seconded. No discussion. Vote to approve by roll call vote: Mr. Nathan King, aye; Ms. Julie Murray, aye; Mr. Ken Diskin, aye; Mr. Jonathan Kranz, aye and Chairman Tillotson, aye.**

Mr. Archambault stated that the DPW is still reviewing the plans and has asked them to get comments to the Board by the beginning of next week. Mr. Archambault mentioned that Conservation Commission finished their review of the detention basin on site and has ruled that it is not a jurisdictional wetland.

Chairman Tillotson mentioned that the Board went out and conducted a site visit on Monday April 12<sup>th</sup> which was very informative for the Board.

Ms. Bridget Souza stated that she had met with the DPW and has addressed a few of their comments and is in the process of drafting new plans. Ms. Souza stated that the new plans will show the phases in which the work will be completed.

Mr. Nathan King asked for some more detail on the project so that he could better understand what the project entails.

Ms. Souza went over the details of the plan which include filling in an existing detention basin in order to build an addition for a bottle plant for Catania Oils. The stormwater will be changed on site to a completely subsurface stormwater system. Ms. Souza went over the details of the new subsurface stormwater system which will include a new infiltration system and outlets.

Mr. Dan Brackett gave a brief description of the building addition stating that the plant will be making all its own bottles and using trains to bring in the plastic pellets needed to make the bottles. Currently there are trailers on site that house bottles that are not made on site. The new building will allow for fewer trailers and trucks on site delivering bottling materials. There is an agreement with the neighboring business to allow for parking of equipment during construction.

Mr. Diskin asked if there are any locations where the proposed stormwater system has been installed that the Board may see pictures of or visit.

Ms. Souza stated that she could provide that information to the Board along with the revised plans that will address DPW comments.

The Board had a brief discussion regarding the stormwater and building addition.

**At 8:09 PM Mr. Jonathan Kranz made a motion to continue the Public Hearing for the special permit for Catania Spagna Oils to the next Planning Board meeting on April 27, 2021. Ms. Julie Murray seconded. No discussion. Vote to approve by roll call vote: Ms. Julie Murray, aye' Mr. Nathan King, aye; Mr. Ken Diskin, aye; Mr. Jonathan Kranz, aye and Chairman Tillotson, aye.**

**At 8:10 PM Mr. Jonathan Kranz made a motion to continue the Site Plan Review for Catania Spagna Oils to the ne next Planning Board meeting on April 27, 2021. Ms. Julie Murray seconded. No discussion. Vote to approve by roll call vote: Ms. Julie Murray, aye' Mr. Nathan King, aye; Mr. Ken Diskin, aye; Mr. Jonathan Kranz, aye and Chairman Tillotson, aye.**

#### **Town Planner Update**

None

#### **Meeting Adjournment**

**At 8:14 PM Mr. Jonathan Kranz made a motion to adjourn. Ms. Julie Murray seconded. No discussion. Vote to approve by roll call vote: Mr. Jonathan Kranz, aye; Ms. Julie Murray, aye; Mr. Nathan King, aye; Mr. Ken Diskin, aye and Chairman Tillotson, aye.**


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*Approved 4/27/2021*

Minutes recorded and submitted by Heather Hampson, Administrative Coordinator

Planning Board Approval 4/27/2021  
Date

Planning Board Chairman (Geof Tillotson)

A handwritten signature, appearing to be "G. Tillotson", is written over a horizontal line. The signature is in black ink and is somewhat stylized.