



PLANNING BOARD

Town of Ayer

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TOWN OF AYER
TOWN CLERK



Minutes of August 24, 2021 - Ayer Planning Board Meeting

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

Meeting was recorded and broadcast by APAC

Members Present: Geof Tillotson, Chairman; Ken Diskin, Vice Chairman; Jonathan Kranz, Clerk; Julie Murray and Nathan King

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 notice for in person / zoom meetings as stated on the posted agenda.

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. Unanimous vote to approve. (5-0-0)

Covenant and Bond Releases – None

Discussion, Mr. Ted Maxant, Rezoning Parcel on Harvard Rd.

Present: Ted Maxant, Property owner

Mr. Mark Archambault gave an overview of the property that is located on Harvard Road across from the new All Town Gas Station. The property in question is two parcels 29 Harvard Road which is zoned General Residential and 27 Harvard Road which is zoned General Business. Mr. Maxant has requested that the properties be rezoned to both parcels be General Business. Mr. Archambault stated that he has reached out to Town Council regarding the Planning Board's authority to bring a Zoning change to Town Meeting. Mr. Archambault stated Town Council informed him that if a zoning change is not listed in the Master Plan the Board can not bring it forth to Town Meeting. Mr. Maxant can bring the item to town meeting via a citizen petition by October 1st to make Fall Town Meeting. Mr. Archambault suggested that Mr. Maxant come to a meeting to discuss his plans for 27 and 29 Harvard Rd with the Board since they will have to make a recommendation for town meeting for any zoning changes.

Mr. Ted Maxant stated that the deed from Global Montello for the old gas station site and they have restricted any type of residential use, hospital, care day, or long-term care facilities. Mr. Maxant handed out to the Board a handout with a copy of the deed showing the restriction as well as a picture of the existing building with a proposed sign for a small business using the existing building as is, until the time when the building will be torn down and rebuilt. Mr. Maxant stated that before any new construction

can take place on either of the lots the lots will need to be rezoned, so he will use the existing building as it is for now. Mr. Maxant mentioned that the residential lot will be left alone and will only be reseeded. He has replaced the fence per the request of the cemetery. Lastly Mr. Maxant showed the Board a copy of his citizen petition for the rezoning of the parcels. Mr. Maxant stated that once the area is rezoned, he can combine the two lots and build something better on the site.

Mr. Ken Diskin asked if the larger lot is owned by Global Montello.

Mr. Maxant mentioned that he bought the lot in December of 2020.

Mr. Diskin asked how Town Council came up with the comment that the Board could not sponsor a rezoning of the parcel even though it is not in the Master Plan. Mr. Diskin feels that the Board can sponsor the rezoning as the Board is responsible for zoning.

Mr. Archambault agrees and asked another planner the same question and they felt that Town Council was being very strict with the interpretation. There is, however, general rule that zoning should be in line with the Master Plan. Mr. Archambault mentioned that he can go back and ask again but feels the answer was given since there is another avenue for Mr. Maxant to seek rezoning through the citizen petition.

Mr. Tillotson asked for some clarification on the number of signatures, stating he believed it was 100 for a special town meeting.

Mr. Archambault stated that was correct but for an annual town meeting the requirement is only 10.

Chairman Tillotson asked how the cemetery was zoned.

Mr. Archambault stated that it was zoned general residential.

Chairman Tillotson asked the Board how they felt about the rezoning of the parcel from residential to general business.

The Board all generally felt that rezoning the parcel on Harvard Road from residential to general business makes sense and would support any rezoning warrant whether it is a citizen petition or an article the Board brings to Town Meeting.

Site Plan Review, 60 Central Ave, MetroWest Company Foresite Engineering

Present: Scott Hayes, Engineer from Foresite Engineering

Mr. Jonathan Kranz read aloud an email that from an abutter regarding the recent demolition and proposed plans for the property at 60 Central Ave into the record.

Mr. Scott Hayes gave the Board an update on the property stating that since the last meeting the existing building has been torn down and soil tests have been conducted on the site. As a result of those soil tests the plans have changed slightly for the proposed 4-unit condo building. Mr. Hayes went over some of the changes to the plans due to the location of bedrock found on the property. The building has been reduced in size and the foundation will be raised to hopefully eliminate the need for any blasting

on site. The front of the property will also be regraded, vegetation has been added and the need for a retaining wall has been removed.

Mr. Jonathan Kranz asked if the changes to the plans impacted the stormwater calculations at all.

Mr. Hayes stated that due to the bedrock and changes to the plans the system will all go into a detention basin and then flow into the towns system on Central Ave. They will not be able to have any kind of infiltration system on site.

Mr. Kranz stated that the letter read earlier from the abutter and comments made from other abutters and the Board, have been concerned about blasting and dust on site. Mr. Kranz asked if there are any measures in place for the dust on site.

Mr. Hayes stated that dust is an issue on site, and they can use water to keep the dust from leaving the site.

Mr. Diskin expressed concern about only having two catch basins on the property to catch all the water from the site including the parking area and driveway. Mr. Diskin stated that the addition of a third catch basin maybe needed at the driveway near the street.

Mr. Hayes mentioned that the amount of stormwater not remediated is small and due to the slope at the sidewalk a basin can not be placed there.

Some of the abutters were present for the meeting and expressed concerns about blasting and snow storage.

Chairman Tillotson stated that the Fire Department issues permits for blasting in town and suggested that the abutters call Chief Johnston with any concerns. Chairman Tillotson also stated that new plans will be submitted to the Board in a few weeks that will address snow storage on the property.

Mr. Hayes stated that there are areas for snow storage on each side of the property.

Mr. Diskin suggested that Mr. Hayes contact the DPW to verify that the setback for the driveway meets their standards.

The Site Plan Review for 60 Central Ave will be continued to the next Planning Board meeting on September 14, 2021.

Continued Public Hearing, Special Permit, 14 Washington St

Mr. Archambault stated that the Planning Office received an email from GPR, Inc. granting an extension to the Planning Board till October 15, 2021, for the Board to act on the Site Plan and Special Permit application.

Mr. Jonathan Kranz read the letter dated August 20, 2021, into the record.

The Board held a brief discussion on this email due to the wording granting the Board an extension but not requesting a continuance. The Board will continue both items for 14 Washington Street and

requested that Mr. Archambault contact GPR, Inc. to get a letter clarifying the continuance date for the site plan and special permit and when they may expect revised plans.

At 7:06 PM Mr. Jonathan Kranz made a motion to continue the Special Permit for 14 Washington Street to the next Planning Board meeting on September 14, 2021. Ms. Julie Murray seconded. No discussion. Unanimous vote to approve. (5-0-0)

Continued Site Plan Review, 14 Washington St

At 7:07 Mr. Jonathan Kranz made a motion to continue the Site Plan Review for 14 Washington Street to the next Planning Board meeting on September 14, 2021. Ms. Julie Murray seconded. No discussion. Unanimous vote to approve. (5-0-0)

Town Planner Update

Mr. Archambault stated at the last meeting it was suggested that the Board have a few site visits at a few of the previously approved projects. Mr. Archambault stated he has drafted a list of sites including Littleton Road subdivision. Shaker Road subdivision Catania Oils, and Pleasant Street Extension.

Mr. Archambault asked the Board if they there were any zoning changes that the Board would like to bring to town meeting in October. Mr. Archambault stated that the Board still has a little time if there was something they wanted to change this fall.

Chairman Tillotson stated that he would rather not rush through any zoning changes and think its best the Board wait till Spring Annual Town Meeting for any articles.

Old Business

Washington Street, 2 ANR applications, Covenant and Endorse Subdivision Plan

Present: Larry Beals, Beals Associates, Attorney Alex Parra, Joe Lavine, property developer

Mr. Archambault stated that there are four items that have come before the Board since the agenda was posted last week that the developer of Panther Place, Mr. Joe Lavine would like to discuss this evening. The items include the question of allowing a common driveway for 128 Washington Street, an ANR application for 128 Washington Street, an ANR application for two lots along Washington Street, and the endorsement of the subdivision plans for Panther Place along with the covenant. Mr. Archambault read aloud the DPW comments on the endorsement of the Subdivision Plan stating that they had not completed their review of the plans to ensure all their previous comments were addressed.

Mr. Archambault read the conditions for endorsement of the Plans to the Board which include a condition that all DPW comments must be addressed prior to endorsement.

Mr. Diskin suggested that the Board discuss the endorsement first and move on from there on the list of items before them for Washington Street.

Mr. Larry Beals stated that he has spoke to Mr. Mark Wetzel, Director of Public Works, and he stated that they should be done their review of the plans in the next week. Mr. Beals suggested that the Board vote to endorse the plans and sign outside the meeting pending the DPW review.

Attorney Alex Para mentioned that the covenant for the subdivision has also been submitted and is based on the Shaker Road covenant and is ready for the Board to review.

Chairman Tillotson asked Mr. Archambault if he has reviewed the covenant.

Mr. Archambault stated that he has reviewed the covenant and did receive a minor correction to the covenant from Attorney Para after 4:00 this evening.

Attorney Para stated that the change is due to the book and page for the property, Mr. Lavine will be closing on the property on Washington tomorrow and will have the recording information to place in the covenant tomorrow.

The Board decided to postpone endorsing the subdivision plan till the DPW has completed their review and will also wait on signing the covenant till the sell of the property is complete.

Chairman Tillotson stated that the Board should move on to discussing the ANR plan for the two lots on Washington Street.

Mr. Larry Beals went over the plan for the ANR lot on Washington Street. The plans show lot 101 and lot 102 (A&B) taking an existing lot and making in to two lots. Both lots meet frontage and lot size.

At 7:41 PM Mr. Jonathan Kranz made a motion to endorse the ANR plan for lot 101 and lot 102 (A&B), as presented at the meeting on August 24, 2021. Ms. Julie Murray seconded. No discussion. Unanimous vote to approve.

The Board moved on to discuss the ANR plan for 128 Washington Street

Mr. Beals went over the details for the ANR plan for 128 Washington Street. Mr. Beals stated that there is an existing house on the property that will be demolished and two, two family houses will be built on the new lots. Both lots meet frontage and lot size for a two-family dwelling. Mr. Beals stated that the Zoning Board of Appeals had met on the application to construct a two-family on the proposed lots and received approval last week on the application. Mr. Beals stated that the ZBA could not vote to approve the proposed shared driveway for the two lots, but the Planning Board can. Mr. Beals went over the details of the four proposed units and the multiple homeowner and condo associations that will be drafted for the units, driveway, and property maintenance.

Mr. Jonathan Kranz asked if there were any legal issues with the multiple associations.

Attorney Para stated that all the documents will be drafted properly and is a legal practice.

Mr. Joe Lavine stated that the proposed shared driveway for the two, two-family houses will reduce curb cuts along Washington Street near the high school and will reduce the need for grading on the lots.

Mr. Beals stated that he did speak with Mr. Mark Wetzel at the DPW regarding the lots and they will be graded to drain towards the subdivision and will use the stormwater management systems that will be built there.

Mr. Diskin stated that the subdivision regulations are in favor of shared driveways to minimize pavement and gives the Planning Board the authority to grant approval for shared driveways but is not sure about ANR lots. Mr. Diskin also stated that there was a note on the plans listing the lot size for A2 as 24,000 sq.ft. where 12,000 sq.ft. is needed and suggested that the note be removed from the plan. Mr. Diskin stated that the ZBA just approved the use last week and the decision has not been filed at this time and there is an appeal period before the decision can be recorded. Mr. Diskin stated he felt that given that the decision has not been filed he does not see the need to act on the ANR this evening.

Mr. Lavine stated that the ANR is only for creating the two lots and is not depending on the ZBA approval.

Mr. Beals stated that he can have the note removed from the plans and resubmitted.

Chairman Tillotson stated that he did not share the same hesitancy to not wait on the ANR plan for the ZBA approval to be filed. Chairman Tillotson stated that the Board can vote to endorse the plan this evening and sign the plan after the correction at the lot size has been made.

At 8:13 PM Mr. Jonathan Kranz made a motion to endorse the ANR plan for Lot 103 and lot 104, Map 13 Parcel 13 and 14 as presented at the meeting on August 24, 2021. Ms. Julie Murray seconded. Discussion: Mr. Nathan King had a question about the shared driveway. Chairman Tillotson mentioned the Board will discuss the shared driveway next. Mr. Diskin asked if the drainage easement will be shown on the revised ANR plans. Mr. Beals stated that there will be an easement on the lots once it is designed, which it has not been at this time. Unanimous vote to approve. (5-0-0)

Chairman Tillotson stated that the Board will now discuss the request for a shared driveway for the four units that will be located on the two parcels.

Mr. Kranz asked if the Board could approve a shared driveway on an ANR lot.

Mr. Diskin stated that he has been researching to see if this is something that the Board can approve. There is language in the subdivision regulations allowing the Board to approve shared driveways.

The Board held a discussion regarding the approval process for shared driveways on a non-subdivision lot.

Mr. Archambault stated that the Board could make a give a finding on the shared driveway as an opinion of the Board as to be the best for the two lots.

Mr. Diskin suggested that the Board receive guidance from Town Council on the matter before making a vote on the shared driveway.

Approval of Meeting Minutes August 10, 2021

At 8:35 PM Mr. Jonathan Kranz made a motion to approve the minutes from August 10, 2021, meeting as presented. Ms. Julie Murray seconded. No discussion. Unanimous vote to approve. (4-0-1, Chairman Tillotson abstained)

New Business

Mr. Nathan King stated that he had some concerns with the number of dead-end streets that are proposed as part of the new development in town. Mr. King asked if there was any kind of street planning for the town that the Board can do on its own to encourage more connectivity with new streets which is listed in the Master Plan.

Chairman Tillotson agreed that connectivity is important within the town, but with the open land available for development dead-end streets are the only option due to abutting properties. The number of dead-end streets is a concern of the DPW and the Fire and Police Departments as well.

Mr. Diskin stated that the Board should set aside some time on a future agenda to discuss this item and to also look at existing "paper" roads in town.

Old Business

Mr. Ken Diskin mentioned that he spoke to several different contractors regarding possible blasting regulations in other communities. Mr. Diskin stated that no Planning Board has any kind of regulations on blasting, all permitting, and regulations are handled by the Fire Department. Mr. Diskin stated that the Boards only option for controlling blasting might be to require soil testing prior to site plan approvals.

Meeting Adjournment

At 8:58 PM Jonathan Kranz made a motion to adjourn. Ms. Julie Murray seconded. No discussion. Unanimous vote to approve. (5-0-0)

Minutes recorded and submitted by Heather Hampson, Administrative Coordinator

Planning Board Approval

9/14/2021
Date

Planning Board Chairman (Geof Tillotson)
