

PLANNING BOARD

Town of Ayer

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Approved 11/9/2021

Minutes of October 12, 2021 - Ayer Planning Board Meeting

Location: via Zoom

Meeting was recorded and then broadcasted on APAC

Members Present: Geof Tillotson, Chairman; Ken Diskin, Vice Chairman (arrived at 6:19PM); 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 6:16 PM Chairman Tillotson read aloud the notice allowing for remote participation meetings as stated on the posted agenda.

General Business

Approve the Agenda

At 6:17 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; Mr. Jonathan Kranz, aye; Ms. Julie Murray, aye and Chairman Tillotson, aye.

Covenant and Bond Releases – None

Public Hearing, Definitive Subdivision, Wright Road Stratton Hill

Public Hearing, Stormwater Management Permit, Wright Road, Stratton Hill

Site Plan Review, Ayer Zoning Bylaw Section 9.6, Land Clearing and Grading, Wright Road Stratton Hill

Present: There were no applicant representative present at the time of the meeting

Chairman Tillotson stated that the applicant requested a continuance to the October 26th meeting.

Mr. Archambault mentioned that he left a message for Attorney Bob Collins to see if they will be ready to present to the Board again on October 26th or if they will be seeking another extension. Mr. Archambault had not heard back from Attorney Collins by the time the meeting started.

At 6:19 PM Mr. Jonathan Kranz made a motion to continue the Public Hearing for the Definitive Subdivision, Stratton Hill on Wright Road to the Planning Boards next meeting on October 26, 2021. Ms. Julie Murray seconded. No discussion. Vote to approve by roll call vote: Mr. Nathan King, aye; Mr. Jonathan Kranz, aye; Ms. Julie Murray, aye; Mr. Ken Diskin, aye and Chairman Tillotson, aye.

At 6:20 PM Mr. Jonathan Kranz made a motion to continue the Public Hearing for the Stormwater Management Permit for Stratton Hill subdivision on Wright Road to the Planning Boards next meeting on October 26, 2021. Ms. Julie Murray seconded. No discussion. Vote to approve by roll call vote: Mr. Nathan King, aye; Mr. Jonathan Kranz, aye; Ms. Julie Murray, aye; Mr. Ken Diskin, aye and Chairman Tillotson, aye.

At 6:20 PM Mr. Jonathan Kranz made a motion to continue the Site Plan Review for Stratton Hill off Wright Road to the Planning Boards next meeting on October 26, 2021. Ms. Julie Murray seconded. No discussion. Vote to approve by roll call vote: Mr. Nathan King, aye; Mr. Jonathan Kranz, aye; Ms. Julie Murray, aye; Mr. Ken Diskin, aye and Chairman Tillotson, aye.

Public Hearing Citizen Petition Zoning Change on Harvard Road

Present: Mr. Theodore Maxant, Applicant

Mr. Archambault gave a brief history of the property and the request for rezoning from General Residents to General Business made by Mr. Maxant. Mr. Archambault stated that when researching the property, he discovered that he was mistaken in his findings of the zoning for both properties owned by Mr. Maxant, listed as 27 and 29 Harvard Road; both are General Residence. Mr. Maxant expressed his interest in still moving forward with the article to change the zoning.

Mr. Jonathan Kranz stated that the property has been used as a business for several years, wondering why Mr. Maxant can't operate a business out of the property.

Chairman Tillotson stated that the Board should open the hearing before discussing the matter further.

At 6:30 PM Mr. Jonathan Kranz read aloud the public hearing notice for the Citizen Petition for Zoning Change as it appeared in the Nashoba Valley Voice, opening the public hearing.

An area resident, Ms. Michelle Audette, submitted a question through Zoom chat asking if the hearing could go on as posted since the reference to the General Business Zone was inaccurate.

Mr. Archambault stated that the mistake in the posting does not affect the parcel in question and can be corrected at town meeting as a friendly amendment.

Mr. Maxant stated that the most important item to him is to get the property listed on the petition rezoned to General Business and he will take care of the other property later. Mr. Maxant stated both 27 and 29 Harvard Road have never been used as anything other than for business though they appear to both be zoned residential. He is just now trying to fix the issue in order to open a business on the property.

At 6:41 PM Mr. Jonathan Kranz made a motion to support the Citizen Petition for the rezoning of the property located on 29 Harvard Road, Assessors Map 35 Parcel 22 from General Residents to General Business. Mr. Ken Diskin seconded. No discussion. Vote to approve by roll call vote: Mr. Nathan King, aye; Mr. Jonathan Kranz, aye; Ms. Julie Murray, aye; Mr. Ken Diskin, aye; and Chairman Tillotson, aye.

At 6:42 PM made a motion to close the public hearing for the Citizen Petition for Zoning Change on Harvard Road. Mr. Ken Diskin seconded. No discussion. Vote to approve by roll call vote: Mr. Nathan

King, aye; Mr. Jonathan Kranz, aye; Ms. Julie Murray, aye; Mr. Ken Diskin, aye; and Chairman Tillotson, aye.

Site Plan Review, 99 Washington Street

Present: Chris Tymula, from GPI, Attorney Sandra Guay from Archipelago Law and Judy Ameden

Mr. Archambault stated that the Site Plan Review application for 99 Fitchburg Road was reviewed, was complete and was sent to various other departments for comments. Mr. Archambault mentioned that the proposal is to use the property for propane storage and distribution with two large propane storage tanks and a pole barn to park vehicles under. Mr. Archambault recommended that the Board conduct a site visit and schedule that at the meeting this evening as well as move to accept the plans for consideration.

At 6:45 PM Mr. Jonathan Kranz made a motion to accept the application and plan for Site Plan Review for 99 Fitchburg Road for consideration. Ms. Julie Murray seconded. No discussion. Vote to approve by roll call vote: Mr. Nathan King, aye; Mr. Jonathan Kranz, aye; Ms. Julie Murray, aye; Mr. Ken Diskin, aye; and Chairman Tillotson, aye.

Ms. Sandra Guay stated that the applicant, Energy North is in the process of purchasing several lots at 99 Fitchburg Road. The plan for the site is to eventually construct an office building but currently the proposal is for two storage tanks and a pole barn. There will be on average 1-2 large tanker trucks at the facility per week and 6-9 smaller delivery trucks per day operating 5 days a week.

Mr. Chris Tymula went over the plans for the site starting with the existing conditions. Mr. Tymula stated that the site consists of lots 5, 6 and 7 located at 99 Fitchburg Road which is roughly 2.8 acres of land in the Light Industrial District. The property is currently grass covered with some gravel areas. The proposed plan is to have two above ground 30,000-gallon propane storage tanks that will be surrounded by a 6-foot fence and guardrails and a 1,200 sq. ft. pole barn to protect trucks that are parked there overnight. Mr. Tymula went over the proposed stormwater system for the property that includes detention basins and an overflow system.

Ms. Judy Ameden stated that they met with the Fire Department to get approval for the storage tanks and their plans were accepted by the Fire Department.

Mr. Jonathan Kranz asked if the roadway in and around the facility would be gravel or if it would be paved.

Mr. Tymula stated that the roadway would be packed gravel.

Chairman Tillotson asked if there was a landscape plan submitted as part of the project.

Mr. Tymula stated that they had not submitted a landscape plan but if the Board requires one then they can certainly submit a plan.

Mr. Nathan King stated that lot 5 shows stockpiles on the property which may need additional landscaping to screen.

Mr. Tymula stated that the stockpiles are temporary and will have appropriate erosion control measures. When the work is complete, all areas that are not gravel/paved will be loamed and seeded.

Mr. Ken Diskin had a few comments on the proposed plans. Mr. Diskin asked if pavement could be extended to where the access road meets the town road to ensure gravel does not come onto the town road. Mr. Diskin also asked if there were any waivers needed. Mr. Diskin also stated that landscape plans are part of the application and should have been submitted. Mr. Diskin also mentioned a possible error in the zoning for Light Industrial stating that there is a listing of 120,000 sq. ft. requirement as well as 20,000 sq. ft.

Mr. Archambault stated that he feels the 20,000 sq. ft. is correct and the other is in error.

Mr. Diskin only mentioned it so that it could be in the minutes as a typo in the zoning: the property meets the requirements.

Mr. Tymula went over the landscaping for the property which includes grading, loam and seed of the property with a one-way road in and out of the property for delivery trucks with one way signage. Mr. Tymula stated that they can submit a landscape plan if needed and add some shrubs or trees to the site but will add anything that will interfere with site lines.

Mr. Archambault mentioned the possible need for a Stormwater Permit.

The Board held a brief discussion with the applicant about a possible site visit time and date.

A site visit will be held on Tuesday October 26th at 9:00 AM.

Several abutters had comments regarding truck traffic and number of trucks to the facility per day.

Mr. Tymula stated that the trucks will enter the site from Groton Shirley Road and mentioned that there will be 1-2 large delivery trucks per week and 6-9 smaller trucks per day with the number increasing in the winter months.

At 7:45 PM Mr. Jonathan Kranz made a motion to continue the Site Plan review for 99 Washington Street to the next Planning Board Meeting on October 26, 2021. 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; Chairman Tillotson, aye.

Continued Public Hearing, Special Permit, 14 Washington St

Continued Site Plan Review, 14 Washington St

Mr. Archambault mentioned that the most recent request for extension for both the Special Permit and Site Plan Review for 14 Washington that came in from GPR, Inc. expires on October 15th. Mr. Archambault mentioned that he had tried contacting Mr. Cal Goldsmith from GPR, Inc. to either get a letter to extend or a letter to withdraw the applications without prejudice. Mr. Goldsmith stated that he would have to ask the owner about the request. At the time of the meeting Mr. Archambault had not received anything from Mr. Goldsmith but suggested the Board wait; he suspects he will receive something before October 15th. Mr. Archambault stated that if the Board acted without the applicant,

he would like to get Town Council involved to ensure the Board does not make any mistakes in its decision. Mr. Archambault stated that the project has been before the Board for quite sometime and understands that the property may be sold and if it is, the project may be quite different from what was originally proposed. Mr. Archambault stated that for those reasons he had requested from the representative, Mr. Goldsmith, a letter to withdraw both the Special Permit and the Site Plan applications.

Chairman Tillotson gave a brief background on the plans for the property to turn the old fire station into residential units which the Board was supportive of along with the challenges of the project due to personal issues and COVID.

Mr. Jonathan Kranz expressed concern about the deadline for the extension ending on Friday October 15th and the Board not meeting again till the October 26.

Mr. Archambault stated that the letter from Mr. Goldsmith or another representative from GPR, Inc. would either ask to withdraw the Special Permit and Site Plan or ask to for an extension prior to the October 15th deadline.

Both Mr. Kranz and Mr. Diskin expressed concern with potential consequences should the letter not be received, and the Board took no action this evening.

Mr. Archambault encouraged the Board not to vote to deny without hearing from Town Council on ramifications on the matter.

Chairman Tillotson recommended that the Board open the hearing before any further discussion.

At 7:53 PM Mr. Jonathan Kranz made a motion to open the public hearing for the Special Permit for 14 Washington Street. Mr. Ken Diskin 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; Chairman Tillotson, aye.

Chairman Tillotson noted that there was no representative for 14 Washington Street present at the meeting.

Chairman Tillotson stated that the Board has had the Special Permit for 14 Washington Street on the agenda since February 2020, for parking that did not meet the parking regulations.

Mr. Archambault stated that the Special Permit was for setbacks and offsite parking.

Mr. Nathan King asked if the Board could vote to deny the Special Permit this evening as of October 15th unless a withdrawal letter is received.

The Board had a brief discussion regarding the Special Permit and any implications of the Board acting on the Permit this evening.

At 7:55 PM Mr. Ken Diskin made a motion that should the Planning Board not receive a letter of continuance or withdrawal by 12:00 PM, noon, on Friday October 15,2021, the Special Permit for 14 Washington Street is denied. Mr. Jonathan Kranz seconded.

Discussion:

Mr. King asked if the Board wanted to only accept a withdrawal and not also a continuance. Chairman Tillotson stated that he would accept that as a friendly amendment. The Board discussed amending the motion to only accept a letter to withdraw.

At 8:01 PM Chairman Tillotson made a motion that the Planning Board receive a request to withdraw without prejudice by 12:00 PM, noon, on Friday October 15, 2021, or the request for the Special Permit application for 14 Washington Street is denied. Vote to approve by roll call vote: Mr. Nathan King, aye; Mr. Ken Diskin, aye; Mr. Jonathan Kranz, aye; Ms. Julie Murray, aye; Chairman Tillotson, aye.

At 8:02 Mr. Jonathan Kranz made a motion to continue the Site Plan Review for 14 Washington Street. Mr. Ken Diskin 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; Chairman Tillotson, aye.

At 8:04 PM Mr. Jonathan Kranz made a motion that the Planning Board receive a letter requesting to withdraw without prejudice by 12:00 PM, noon, on Friday October 15, 2021, or the Site Plan Review for 14 Washington Street is denied. Vote to approve by roll call vote: Mr. Nathan King, aye; Mr. Ken Diskin, aye; Mr. Jonathan Kranz, aye; Ms. Julie Murray, aye; Chairman Tillotson, aye.

At 8:08 PM Mr. Jonathan Kranz made a motion to continue the Special Permit for 14 Washington Street to the next Planning Board meeting on October 26, 2021. Mr. Ken Diskin 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; Chairman Tillotson, aye.

At 8:09 PM Mr. Jonathan Kranz made a motion to continue the Site Plan Review for 14 Washington Street to the next Planning Board meeting on October 26, 2021. Mr. Ken Diskin 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; Chairman Tillotson, aye.

Town Planner Update

Mr. Archambault had no items for his update this evening but did mention that he will be sending out the RFP for the traffic study for Stratton Hill this week. Both MR. Diskin and Chairman Tillotson requested a copy of the draft proposal.

Approval of Meeting Minutes September 14, 2021

At 8:17 PM Mr. Jonathan Kranz made a motion to approve the minutes from September 14, 2021, meeting 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 and Chairman Tillotson aye, Mr. Ken Diskin abstained.

Approval of Meeting Minutes September 28, 2021

At 8:17 PM Ms. Julie Murray made a motion to approve the minutes from September 28, 2021, meeting as presented. Mr. Nathan King seconded. No discussion. Vote to approve by roll call vote: Mr.

Ken Diskin, aye; Ms. Julie Murray, aye; Mr. Nathan King, aye and Chairman Tillotson aye, Mr. Jonathan Kranz abstained.

Old Business

McDonald's

Mr. Archambault stated that Bohler Engineering would like to schedule the preconstruction meeting for McDonalds for this Friday.

The Board discussed sometimes and decided on Friday October 15th at 10:00 AM.

MRPC

Mr. Jonathan Kranz mentioned that he spoke with a representative from MRPC about coming to the Board to discuss what the MRPC does and how they help local Boards. Mr. Diskin suggested that the Board invite the MRPC to a future meeting over the winter.

New Business

Shaker Mill Pond Subdivision

Mr. Diskin stated that Dan Aho has finished the directional drilling under Shaker Pond and has connected the water to the new subdivision off Shaker Road.

Chairman Tillotson stated that the sewer line has also been connected and the water was tested and accepted by the DPW.

Airbnb

Chairman Tillotson stated that he has been researching other cities and towns for bylaws on Airbnb's and other short-term rentals. He stated that he has only reviewed Boston at this time which has a registry with the city for all short-term rentals. Chairman Tillotson asked the other Board members if they hear of another town or city with a short-term rental bylaw to let him know so that he can review it.

Meeting Adjournment

At 8:32 PM Jonathan Kranz made a motion to adjourn. Mr. Nathan King seconded. No discussion. Unanimous vote to approve. (5-0-0)

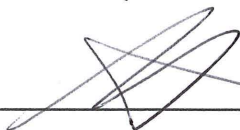
Minutes recorded and submitted by Heather Hampson, Administrative Coordinator

Planning Board Approval _____

Date

11/9/2021

Planning Board Chairman (Geof Tillotson)



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TOWN OF AYER
TOWN CLERK

