



PLANNING BOARD

Town of Ayer

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2016 MAY 10 PM 12:19

Minutes of the February 4, 2016 Ayer Planning Board

Location: First Floor Meeting Room, Ayer Town Hall

Meeting was recorded by APAC

Members Present: Jeremy Callahan (JC) Mark Fermanian (MF), Jenn Gibbons (JG), and Geoff Tillotson (GT):

JG left meeting at 7:05 pm.

6:05 PM: Chair Jeremy Callahan called the Ayer Planning Board Meeting to order and the agenda was affirmed by consensus.

MINUTES APPROVAL:

GT motioned that the Planning Board vote to approve the minutes of January 7, 2016. The motion was seconded by JG and approved unanimously **4/0 A**

BOARD MEMBER UPDATES/ANNOUNCEMENTS

- Election Schedule: There are two seats that are up for election in May. Richard Roper has recently moved from Ayer so will no longer be serving on the Board
- Conflict of Interest Education Requirement: Members were reminded that they may be required to take the on-line Conflict-Of-Interest training.

PUBLIC HEARING: ROSEWOOD AVENUE EXTENSION:

At 6:13 the Chair opened the public hearing by reading the announcement published in the Lowell Sun on January 21 and 28th to consider the Definitive Subdivision Plan (dated January 15, 2016) located at Rosewood Avenue Extension in Ayer. The applicant proposes to combine two parcels to create a single-lot subdivision suitable for the development of a solar photovoltaic generation facility in an area zoned Residence A-2. There were two parts to the Board's deliberations:

- First, was a Public Hearing to discuss a single-lot subdivision. A 36-acre (+ or -) parcel at the End of Rosewood Avenue would provide access via a cart path to a rear parcel consisting of (+-) 25 land-locked acres for the purpose of developing a one-megawatt solar photovoltaic generation facility using ground-mounted solar panels.
- Second, was a Site-Plan Review of the overall project (Ayer Solar Project)

Civil Engineer Calvin R. Goldsmith, of Goldsmith, Pres & Ringwall, Inc. presented the Board with an overview of the Definitive Subdivision Plan on behalf of Calco LLC. The 54-feet of frontage at the end of Rosewood Ave. is less than the 100-foot frontage required for a buildable lot, so the applicant is asking the PB to approve the creation of a single-lot subdivision to provide frontage to allow for permitting of the proposed solar farm. Rohit Garg, of Prometheus Power Group (Ann Arbor MI), plans to lease the land from Calvin Moore (dba Cowfield Trust), and is asking for approval of this Site Plan to permit the construction of a one-megawatt project. There are several challenges: Wetlands need to be crossed to access the uplands where the solar arrays would be situated; a failed culvert needs to be replaced with three 26-inch culverts; compensatory wetland and flood plain construction will require a Notice of Intent to be filed with the Board and a Special Permit from the ZBA as well. The applicant plans to run a 16-foot gravel drive along the old cart path. Due to the nature of the project, the drive would be used infrequently to access the solar arrays—a few times a year for mowing and to perform scheduled maintenance and as-needed. Due to the expected use of this roadway, the Applicant is asking the Board to wave a number of Ayer Subdivision Regulations pertaining to the design standards of streets as enumerated in the Project Narrative and Waiver Requests filed with the Applicant's submission. There will be some minor contouring and filling to smooth out the terrain. C. Goldsmith said the project will not require modifications to current drainage patterns, but it will necessitate changing the ground cover from forested to grass. The gravel surface

of the driveway will minimally impact the runoff of rainwater. The posts to support the solar panels will be 2 ½ to 3 feet deep and a structural engineer will be involved to make sure that the panels are installed to maximize sun exposure and minimize environmental issues such as up-drafts, etc. The site will be surrounded by a 7-8-foot tall black-coated chain-link fence to minimize glare. Once it is up and running the solar farm will be very quiet—more quiet than the high-tension lines that run adjacent to the site. There was some discussion about installing an informational kiosk beside the rail trail to educate hikers about the solar installation. The Applicant plans to appear before the Conservation Commission on February 11 to consider various wetland issues. Before construction can begin, the Board will require proof that back taxes have been paid in full, and the Applicant will need to meet with the Town Assessor to agree on how the enterprise will be taxed. Bearing in mind Solar panels have an expected lifespan of approximately 25 years, the Board is requiring the applicant to file a written reclamation plan for its approval and to take out a surety bond to cover the costs of such a reclamation project. Because the abutter notifications were not mailed until February 4, JC entertained a motion to continue the Public Hearing until 6 pm Feb. 18 to give abutters 14 days to review the plans and to attend the Public Hearing. GT moved the motion and JG 2nd. JG. The Board's vote was unanimous. 4/0A

SITE PLAN REVIEW: AYER SOLAR PROJECT @ ROSEWOOD AVENUE EXTENSION

This project is being fast-tracked because there is a push for applicants to get their projects in the queue before the state imposes a cap on the number of solar projects. C. Goldsmith said the Solar Project falls under Chapter 48, section 3 of the Massachusetts Zoning Act which stipulates that a municipality cannot prohibit or unreasonably regulate solar use. Accordingly, the PB can regulate it, but not prohibit a solar project. For this reason, there was general agreement between the Board and the Applicant that the most appropriate approach for development of the site would be to go through the Site Plan approval process.

AGENDA AMENDMENT: ANR FOR 15 LITTLETON ROAD

MF disclosed that he is an employee of Gervais Ford, but not an owner, so he has no monetary interest in the project, and thus it was agreed by the members of the Board that he was not required to recuse himself. Last year the PB approved plans for a gas station/convenience store. This application submitted by Robert V. Gervais, Trustee, describes the creation of a legal, non-buildable 14,141 sq. ft. parcel between the gas station and Gervais Ford (Parcel 1B, not a building lot, to be conveyed to and combined with abutting land of Traffic Circle Realty Trust) to act as a buffer between the gas station/convenience store and Gervais Ford. This is an ANR lot and under our regulations, did not need PB approval. MF moved to endorse the ANR, GT seconded motion; **3/0 A** (JG not present) Members then signed the velum.

PATRIOT ESTATES STREET FINAL BOND RELEASE

The PB today received a request from the DPW (Mark Wetzel) to authorize the town to release the final retainage on the bond for Patriot's Estates Street. GT made the motion to approve the release of all remaining funds remaining in the joint account for FBO Sandy Pond Investment Trust 17267576 calculated to be in the amount of \$2,591, though the amount may be higher due to interest. The motion was 2nd by MF. **3/0 A**

PROPOSED ZONING BYLAW UPDATE:

JC said he plans to compile notes and comments about the Proposed Zoning Bylaw, confirm the edits, and get them to Judy so they should be ready for the next meeting. The Board of Heath is also expected to submit detailed comments by then as well

MEETING ADJOURNMENT

At 7:20 pm JC asked for a motion to adjourn the meeting. The motion was made by MF and seconded by GT. **3/0 A**

Minutes recorded and submitted by Jane Morriss

Planning Board Approval Date

May 5, 2016

Planning Board Chair:

Jeremy Callahan

(Jeremy Callahan)