



PLANNING BOARD

Town of Ayer

1 Main Street, Ayer, MA 01432

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

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Minutes of the February 18, 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 Geof Tillotson (GT): JG left the meeting at 6:50 pm.

MEETING WAS CALLED TO ORDER AT 6:00 P.M.

GENERAL BUSINESS:

CONFIRMATION OF AGENDA: The notices of the Public Hearing of the proposed Rosewood Avenue Extension subdivision mailed to the Abutters indicated the Public Hearing was scheduled for 7 pm. Accordingly, the Board opened the meeting at 6:05 p.m. and re-organized the agenda to continue the Public Hearing until 7 p.m. The Board also agreed to conduct an informal discussion of the signage bylaw.

ANNOUNCEMENTS:

There are two openings on the Planning Board and Mark Fermanian and Jim Fay have pulled papers. Sandra Bean has been appointed as the administrative coordinator and will begin working March 1. She will be working full-time and reports to Robert Pontrbriand.

6:05 PM: PUBLIC HEARING FOR ROSEWOOD AVENUE EXTENSION CONTINUED UNTIL 7 PM

Chair Jeremy Callahan opened the Public Hearing for Rosewood Avenue Extension continued from the February 4 meeting by reading the public notice. A motion was made by GT and 2nd by MF to continue the Public Hearing until 7:00 pm. **4/0A**

BILL PAY:

- The Board voted unanimously to pay an invoice submitted by RKG in the amount of \$1500 for Judi Barrett's consultant services; MF moved to pay the bill and GT 2nd. **4/0 A**
- The Board voted unanimously to pay an invoice submitted by The Lowell Sun for legal notifications published January 21 and 28 announcing the public hearing for Rosewood Ave. project in the amount of \$177.00. JG made a motion to have the applicant pay the bill and GT 2nd. **4/0 A**

DISCUSSION: PROPOSED ZONING BYLAW

JC has reviewed the feedback about the proposed zoning bylaw from the various town departments and from the informational meeting on January 26. The Conservation Commission suggested a word change. The only policy-related feedback addressed signage. Other comments addressed secondary issues that the PB has decided not to include in the core bylaw—but to take up after the new bylaw is addressed. **Signage bylaw:** In recent weeks there has been an effort on the part of the Building Department to strictly enforce a provision in the signage bylaw which prohibits displaying string lights except as Christmas decorations. Several businesses have received warning letters. The only remedy available is to go before the ZBA and ask for a variance. Mr. Moore said the lights do not advertise his business. As there are no streetlights on that side (the North side) of Main Street the lighting serves a public safety as well as decorative function. The letters and enforcement activities are coming from Assistant Zoning Enforcement Officer Charlie Schultz

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who works with Building Inspector Gabe Vellante, Jr., Samuel Goodwin, Jr., Chairman of Board of Appeals said he thinks we need to have less ambiguity and better descriptions in our zoning bylaw Mr. Goodwin observed that an appeal is a very pricy remedy and suggested that the only reasonable recourse is to change the bylaw. The Board agreed to continue this discussion at the next meeting and JC agreed to write a letter to the Board of Selectmen and Building Inspector to inform them of the PB's position about the intent of the signage bylaw and the difficulty of uniform enforcement—and urge a return to a state of using common sense when enforcing it.

7:00 PM: PUBLIC HEARING CONTINUED ROSEWOOD AVENUE EXTENSION:

Chair Jeremy Callahan read the public notice and re-opened the Public Hearing for Rosewood Avenue Extension continued from the February 4 meeting. Representing the applicant, Calvin Goldsmith, PE, of Goldsmith, Preston & Ringwall, presented the subdivision plans to the abutters. He explained that the creation of a single-lot subdivision is the legal process proscribed by the State to provide access to a land-locked parcel. The Wood family owns the lot at the end of Rosewood Avenue Extension and the landlocked parcel is owned by CALCO Trust. Mr. Goldsmith explained the project calls for three major approvals: 1. Approval of the creation of a single-lot subdivision; 2. Approval of the solar site plan; and the filing of a detailed notice of intent with the Ayer Conservation Commission explaining how the road will cross the wetlands, including a detailed review of storm water and wetlands issues. Coming before the PB to seek approval for the single-lot subdivision. Sean Murphy, 4 Doug Road, spoke against removing the pond. Mr. Goldsmith said that was not an insurmountable problem, and he explained that the issue would be discussed with greater depth by the Conservation Commission. JC explained that the PB approval for this project will be subject to approval by the Conservation Commission which has jurisdiction over wetland issues. Furthermore, the State Zoning Act (Chapter 48, section 3 stipulates that towns cannot prohibit, nor unreasonably regulate solar development. The access road cannot go under the powerlines. Diane Fox of 10 Vernon Street, said she was concerned about the noise and disruption the traffic and construction would bring to this quiet area.

Approval: JC Entertained a motion to grant conditional approval of a Definitive Subdivision Plan entitled "Definitive Subdivision Single Lot Development Rosewood Avenue Extension" prepared by Goldsmith, Prest & Ringwall, Inc. dated February 18, 2016, including the waivers included with the application. GT moving the motion and MF 2nding. The PB voted unanimously to approve the subdivision. 3/0A

At 7:26 JC entertained a motion to close the Public Hearing, with GT moving the motion and MF 2nding. Vote unanimous 3/0A.

SITE PLAN REVIEW: AYER SOLAR PROJECT AT ROSEWOOD AVENUE EXTENSION:

Mr. Goldsmith described the site, indicating various orienting landmarks such as the Rail Trail, the power lines, the hospital, etc. and indicated to the assemblage where the solar arrays and driveway are planned. Daniel Swanfeldt of 105 Park Street asked about the acreage that solar arrays were going to be located and Mr. Goldsmith said they would occupy an area of approximately 7m - 8 acres within the fencing. 58 acres, with only 7 – 8 acres being used for the solar arrays. One advantage is that the project is expected to generate more taxes for the town (than residential use would). The life of a solar farm is about 25—30 years. After that the panels become less productive. The PB has requested the client draft a decommissioning plan and surety bond to protect the town. Mark Wetzel had concerns about the visual impact from the rail trail. Last week the Board discussed putting up some signage explaining the project to people using the rail trail. The solar field will be surrounded by an 8-foot black chain-link fence. The panels are about 30 feet high. The grass will be mowed if it gets higher than the panels. The Board requested the applicant to provide Signage on the rail trail, on the fencing, and a decommissioning plan.

Approval: JC entertained a motion to approve the site plan dated February 18, 2016 for the Ayer Solar Project as submitted with conditions as discussed. MF moved the motion and GT seconded, it passed with a unanimous vote. 3/0A

MEETING ADJOURNMENT

At 8:25 pm MF motioned to adjourn the meeting and 2nd by GT and approved unanimously 3/0A.

Minutes recorded and submitted by Jane Morriss

Planning Board Approval Date _____

May 5, 2016

Planning Board Chair: _____

Jeremy T Callahan

(Jeremy Callahan)