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**Town of Ayer
Zoning Board of Appeals
Ayer Town Hall
1 Main Street
Ayer, MA 01432**



Wednesday, August 17, 2022

Remote Participation Open Session Meeting Minutes

Present: Samuel A. Goodwin, Chair; Michael Gibbins, Vice-Chair; Ron Defilippo, Clerk; Jess Gugino; John Ellis

Also Present: Carly Antonellis, Assistant Town Manager; Samantha Benoit, Administrative Coordinator

Call to Order: S. Goodwin called the meeting to order at 6:00pm. He stated that due to the ongoing COVID-19 Pandemic, in accordance with Chapter 22 of the Acts of 2022, suspending certain provisions of the Open Meeting Law (OML), public bodies otherwise governed by the OML are temporarily relieved from the requirement that meetings be held in public places, open and physically accessible to the public, so long as measures are taken to ensure public access to the bodies' deliberations "through adequate, alternative means." This meeting will be live on Zoom. The public may participate remotely by joining Zoom (Meeting ID# 857 9728 7177) or by calling (312-626-6799). For additional information about remote participation, please contact Carly Antonellis, Assistant Town Manager at atm@ayer.ma.us or 978-772-8220 ext. 100 prior to the meeting.

Approval of the Agenda: S. Goodwin asked to amend the agenda to include the introduction of the new Administrative Coordinator. Motion was made to accept the agenda as amended by M. Gibbins, seconded by J. Gugino.

Roll Call Vote: M. Gibbins, aye; R. Defilippo, aye; J. Gugino, aye; John Ellis, aye; S. Goodwin, aye.

Motion Passed (5-0)

Continued Public Hearing-Application for a Comprehensive Permit (MGL 408, Sections 20-23) Neighborhood of Affordable Housing, Inc. 65 Fitchburg Road (Filed June 24, 2022):

A presentation of the recently completed Traffic Study was given by Samuel Offei-Addo in association with the BSC Group. Stephanie Kiefer from NOAH stated the Traffic Study was submitted on July 22, 2022. C. Antonellis informed the group that the study still needs to be peer reviewed.

S. Offei-Addo commenced with his presentation, discussing the methodology of the traffic study, and the various findings. Current traffic patterns were assessed specifically the intersection closest to the site. The number of vehicles were counted throughout the day for a 48-hour period. The safety conditions of the intersections were also tracked. The study also projected what the additional traffic from the 65 Fitchburg Road would bring to the area. Some measures were discussed in order to reduce the increase in traffic. This includes encouraging public transportation, bike racks, no idle laws, and the extension of the sidewalk down 2A. There will also be 157 onsite parking spaces, which is in line with the ITE Parking Generation Manual.

S. Goodwin asked is parking was included in both Phase I and Phase II of the project.

S. Offei-Addo confirmed that it was.

Deputy Police Chief Bigelow asked for the dates of the study as well as if the traffic from new businesses in the area were considered.

The study took place on June 14th and June 15th, which accounts for school year traffic patterns. The Town Planner was consulted, and the growth rate of the area was discussed and used for future traffic projections.

DPW Director Dan Van Schalkwyk spoke to the extension of the sidewalk down 2A. This an issue that needs to be brought up to MassDOT.

S. Goodwin asked if the increase in traffic would cause MassDOT to increase the number of lanes, add lights, or give greater access.

D.P.C. Bigelow spoke to pedestrians' safety if the sidewalk is extended, including the addition of sidewalks, and various traffic calming methods.

S. Offei-Addo said they would need an access permit from MassDOT and that the town should push MassDOT to upgrade 2A infrastructure.

D.P.C. Bigelow noted that pre-pandemic the traffic in the area was higher than it currently is.

R. Defilippo raised concerns about public transit being considered regarding the future traffic patterns. He asked if the area was taken into consideration, and that the T-Stop is over a mile away from the site location.

S. Offei-Addo noted that the study assumes that everyone is driving, and therefore public transit usage was not considered, but rather it should be encouraged to reduce traffic.

Stephanie Kiefer from NOAH noted that current traffic patterns were not discounted in the future projections.

John Ellis raised a concern about the parking at the Community Building. If the building open to the public will there be enough parking.

S. Goodwin believes the Community Building is part of Phase II and therefore there is not enough information currently.

Stephanie Kiefer representing NOAH responded to the initial comments by the Town Department Heads regarding the project. Most departments are in favor of the proposed affordable housing. The Health Agent was concerned about dust, and noise complaints, as well as making sure trash was secured properly.

The contractor will create a plan to minimize dust, odor and noise during construction. Trash will be fenced in.

The DPW had commented that Fitchburg Road is a MassDOT State Highway and therefore all improvements must be coordinated with them, and all infrastructure improvements must follow all Ayer DPW/MassDOT requirements.

The DPW has included water and wastewater needed for this project in their planning. There are some concerns about the waivers for the Water and Sewer connection fees, as well as the lack of waiver for the Town's Stormwater Bylaw and Regulations. NOAH has requested the Water and Sewer waiver in order to remove one of the obstacles associated with affordable housing projects. Regarding the Stormwater Bylaw that and other waivers may be added to the Waiver as the project moves forward.

A request was made at granite curbing on all radii, the plans were updated to reflect this request. There was a request to have a sidewalk and a connection added to Shop n' Save in compliance with the Town's Complete Streets Policy. Noah is not beholden to the Town's Policy but will accommodate it where feasible.

There were concerns raised about the 20 ft width of the driveway, and that the driveway should be increased to 24 ft. According to the plans the drive is 22 ft wide and does narrow farther into the development.

DPW asked if there were speed bumps planned, and there are not at this time.

Other concerns addressed were the location of the mailboxes (in the community building), a proposed photometric plan (forthcoming), and a proposed planting plan (included in the preliminary plans).

It was also asked if there was an existing septic system, according to the Nashoba Associated Board of Health there is no septic on the property but there is a 500-gallon tank at 63 Fitchburg Road.

The question of property management was raised, the property will be managed by a private property manager.

The DPW's Water and Sewer Utilities department raised different concerns. They stated that the DPW will not care for water and sewer utilities, the site must be maintained and owned privately.

It was also noted that the water design was incomplete. NOAH stated that the design has been updated.

There is an existing house on the property that has its water service that needs to be abandoned.

The sewer pump station design and layout will need to be approved by the DPW. NOAH will have the design included in the final plan.

DPW's Stormwater department states that an annual report detailing stormwater maintenance and inspections needs to be submitted.

The concern about waivers was addressed earlier.

The Fire Chief raised the concern of Ladder 1's ability to turn, and that the parking lot will need to accommodate the turning radius. NOAH has submitted a Fire Truck Turning Plan.

The Conservation Commission stated a Notice of Intent needs to be filed since the site is within 100 feet of a wetland. A NOI is forthcoming.

It was also noted that NOAH will have to have a permit from the Natural Heritage and Endangered Species Program (NHESP) since a Priority Habitat has been identified, the Commission also requests a copy of the letter. NOAH plans to comply with all NHESP requirements.

The Town Planner requested more time with the plans before making further comments.

C. Antonellis noted that the updated plans are available on the Town's website and will print full and half-size copies for the board.

S. Goodwin asked the board for comments.

M. Gibbons liked the comments from the Department Heads. He raised a concern about the intersection of Park St. and Main St, which was not included in the traffic study.

John Ellis commented that he has concerns about the waivers.

R. Defilippo had no comment.

J. Gugino asked when the board should contact MassDOT.

D. Van Schalkwyk offered to contact MassDOT since the board cannot.

J. Gugino expressed interest in investigating the financial impact, and the impact on the schools.

Paul Havery advised not to look at the impact it would have on the school, since that would appear as if they town was deny access to public schools.

J. Gugino asked if there could be conservation restriction put on place on the open space areas.

Annika Lambert from NOAH noted the area near Isaac Lane could be developed but they need to cross wetlands, and they would like to keep the area as green space.

If the application is approved by the board, it is for the property as is, if the applicant would like to develop more, they need to have the application amended.

Janet Providakes advised if NOAH would like to tie into the sewer near Isaac Lane, they need to present to the Affordable Housing Committee soon. There are concerns about the strain on the current infrastructure.

C. Antonellis reported on the peer review that was sent out for the RFQ. The deadline was at 4:00 on August 17th. Only one proposal was received, it could be sent out again but it is unlikely that any more proposals will be received. The one proposal received was from a reputable company that the town has worked with before. The deadline for proposal was not extended.

S. Kiefer asked the NOAH to be given a chance to review and comment on the proposal.

The meeting was opened for public comment.

Sara Withee asked about the sewer near Isaac Lane. J. Providakes if the sewer is owned by the Housing Authority approval from DAZD must be obtained before a tie in is possible

Taylor Dowdy responded that they do not plan to touch Isaac Lane and will be tying in through Riley Way.

The next meeting of the ZBA will be August 31st at 6:00 in which the Affordable Housing Trust will be presenting on the need for Affordable Housing.

A motion was made by M. Gibbons to continue the Public Hearing-Application for a Comprehensive Permit (MGL 408, Sections_20-23) Neighborhood of Affordable Housing, Inc. 65 Fitchburg Road until Wednesday August 31, 2022, at 6:00 PM via Zoom., seconded by J. Gugino.

Roll Call Vote: M. Gibbins, aye; R. Defilippo, aye; J. Gugino, aye; John Ellis, aye; S. Goodwin, aye.

Motion Passed (5-0)

Motion to adjourn the meeting made by J. Gugino, seconded, M. Gibbons.

Roll Call Vote: M. Gibbins, aye; R. Defilippo, aye; J. Gugino, aye; John Ellis, aye; S. Goodwin, aye.

Motion Passed (5-0)

Meeting adjourned at 7:38

Minutes Submitted by Samantha Benoit, Administrative Coordinator

Date Minutes Approved by the ZBA: 9/21/22

Signature of ZBA Clerk, Indicating Approval: *Samuel A. Goodwin Jr.*