



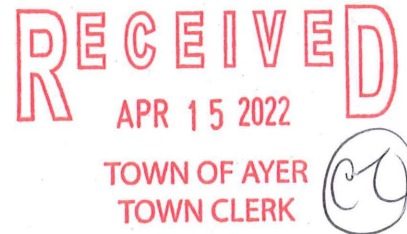
## PLANNING BOARD

### Town of Ayer

1 Main Street, Ayer, MA 01432

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Approved 4/12/2022



#### Minutes of March 22, 2022 - Ayer Planning Board Meeting

Location: via Zoom

Meeting was recorded and then broadcasted on APAC

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

**Also Present:** Mark Archambault, Town Planner

**Absent:** Julie Murray

**Chairman Tillotson called the meeting to order at 6:15 PM.**

**At 6:15 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. Mr. Ken Diskin seconded. No discussion. Vote to approve by roll call vote: Mr. Jonathan Kranz, aye; Mr. Nathan King, aye; Mr. Ken Diskin, aye and Chairman Tillotson, aye**

#### Covenant and Bond Releases – None

#### Review ANR Review, ANR Groton School Road, 1 Parcel, Januskiewicz, David. E. Ross Assoc.

*Present: Kevin Conover, Engineer/representative David E. Ross Associates*

Mr. Kevin Conover went over the location of the property and the details of the plans which include a parcel of land approximately 3,700 sq.ft. to be added to an existing lot. The addition of this parcel will not make any lot non-conforming, and all lots meet current zoning requirements.

Mr. Mark Archambault stated that the parcel of land will be transferred from one lot to another. Mr. Archambault shared a copy of the plan from the Town Planner staff report, which unfortunately was an incorrect plan. A correct hard copy of the plan was submitted to the office, but the electronic copy was incorrect and a correct version was sent to the office on Monday the 21<sup>st</sup>.

Mr. Conover went over the mistakes with those present, but said the width of the parcel being transferred is correct.

Chairman Tillotson put the correct plan on the screen for those to see.

**At 6:24 PM Mr. Ken Diskin made a motion to endorse the ANR plan for Ann Januskiewicz for parcel of land on Groton School Road dated March 2022 as presented. Mr. Jonathan Kranz seconded. No discussion. Vote to approve by roll call vote: Mr. Jonathan Kranz, aye; Mr. Nathan King, aye; Mr. Ken Diskin, aye, and Chairman Tillotson, aye.**

**Review, ANR East Main Street, 1 Parcel, Roger McPadden, David E. Ross Assoc.**

*Present: Kevin Conover, Engineer/representative David E. Ross Associates*

Mr. Kevin Conover, from David E. Ross stated that the plan shows two existing non-conforming lots on East Main Street. They want to create a parcel of land around an existing garage at rear part of the property around 4,260 sq.ft. The existing two lots are non-conforming as they do not have enough frontage for the district, but the creation of the parcel will not make the lots more non-conforming. Mr. Conover stated that as in the previous ANR they are trying to fix an existing problem and transfer land from one lot to another.

Mr. Ken Diskin asked if the intent was to create a new lot 1 adding the 4,260 sq.ft., thereby creating a not parcel but a lot.

Mr. Conover stated that it is better for descriptive purposes to create the parcel A and then have it added to lot 1 with all the lots lines.

Chairman Tillotson stated that the intent is also listed in the narrative of the application.

Mr. Nathan King asked if there will be a need for a deeded access for the properties or if there are separate driveways.

Mr. Conover stated that the majority of the driveway is on lot 1 and there is a back driveway for lot 2; the attorney for the property feels comfortable with how it is drawn and sees no need for additional access.

**At 6:32 PM Mr. Jonathan Kranz made a motion to endorse the ANR plan for East Main Street dated 2022 as presented. Mr. Ken Diskin seconded. No discussion. Vote to approve by roll call vote: Mr. Jonathan Kranz, aye; Mr. Nathan King, aye; Mr. Ken Diskin, aye, and Chairman Tillotson, aye.**

**Public Hearing, Zoning Bylaw Amendment – Light Industrial district correction**

**At 6:35 PM Mr. Jonathan Kranz made a motion to open the Public Hearing for the Zoning Bylaw Amendment for the change in the Light Industrial Zoning District Table of Use. Mr. Nathan King seconded. No discussion. Vote to approve by roll call vote: Mr. Jonathan Kranz, aye; Mr. Nathan King, aye; Mr. Ken Diskin, aye, and Chairman Tillotson, aye.**

**At 6:36 PM Chairman Tillotson read aloud the Public Hearing notice as posted.**

Mr. Mark Archambault shared the Table of Use for all those present at the meeting, which showed the incorrect lot size as 120,000 sq. ft. The proposed change is to correct the Table of Use to show the minimum lot size in the Light Industrial Zone as 20,000 sq.ft. as listed throughout the Zoning Bylaw.

There were no questions from the Board or any from the public that were present.

**At 6:39 PM Mr. Jonathan Kranz made a motion to give a positive recommendation to the Select Board and Town Meeting for the proposed Zoning Bylaw Amendment for the Light Industrial district correction. Mr. Ken Diskin seconded. No discussion. Vote to approve by roll call vote: Mr. Jonathan Kranz, aye; Mr. Nathan King, aye; Mr. Ken Diskin, aye, and Chairman Tillotson, aye.**

**At 6:41 PM Mr. Jonathan Kranz made a motion to close the Public Hearing for the Zoning Bylaw Amendment for the change in the Light Industrial Zoning District Table of Use. Mr. Ken Diskin seconded. No discussion. Vote to approve by roll call vote: Mr. Jonathan Kranz, aye; Mr. Nathan King, aye; Mr. Ken Diskin, aye, and Chairman Tillotson, aye.**

**Public Hearing, Zoning Bylaw Amendment - Definition section of the Ayer Zoning Bylaw, including new definition of multi-family housing, dwellings, and re-ordering of listed definitions**

**At 6:41 PM Mr. Jonathan Kranz made a motion to open the Public Hearing for the Zoning Bylaw Amendment for the proposed changes to the definition Section of the Ayer Zoning Bylaw. Mr. Ken Diskin seconded. No discussion. Vote to approve by roll call vote: Mr. Jonathan Kranz, aye; Mr. Nathan King, aye; Mr. Ken Diskin, aye, and Chairman Tillotson, aye.**

**At 6:42 PM Chairman read aloud the Public Hearing notice as posted.**

Mr. Archambault went over the proposed reorganization of the definitions and where they will now be placed in the definition section of the Bylaw.

Chairman Tillotson stated that there are some new definitions as part of this amendment as well.

Mr. Archambault mentioned that the definition for dwelling has a few proposed changes. Mr. Archambault went over the other changes as well.

Resident, Sara Withee, had a few questions regarding the changes in the definitions.

Mr. Ken Diskin stated that the definitions are being changed to eliminate any questions between other Boards and Departments on their meaning and have all departments using the same definition.

**At 6:53 PM Mr. Jonathan Kranz made a motion to give a positive recommendation to the Select Board and Town Meeting for the proposed Zoning Bylaw Amendment for reorganization of the definition section along with the addition of new definition to the Definitions Section. Mr. Ken Diskin seconded. No discussion. Vote to approve by roll call vote: Mr. Jonathan Kranz, aye; Mr. Nathan King, aye; Mr. Ken Diskin, aye, and Chairman Tillotson, aye.**

**At 6:53 PM Mr. Jonathan Kranz made a motion to close the public hearing for the Zoning Bylaw Amendment for the proposed changes to the definition Section of the Ayer Zoning Bylaw. Mr. Nathan King seconded. No discussion. Vote to approve by roll call vote: Mr. Jonathan Kranz, aye; Mr. Nathan King, aye; Mr. Ken Diskin, aye, and Chairman Tillotson, aye.**

**Public Hearing, Citizen Petition Zoning Bylaw Amendment- Ted Maxant Re-zone property on Harvard Road**

*Present: Ted Maxant, petitioner for the rezoning*

**At 6:54 PM Mr. Jonathan Kranz made a motion to open the public hearing for the Citizen Petition for a Zoning Bylaw Amendment. Mr. Nathan King seconded. No discussion. Vote to approve by roll call vote: Mr. Jonathan Kranz, aye; Mr. Nathan King, aye; Mr. Ken Diskin, aye, and Chairman Tillotson, aye.**

**At 6:54 PM Chairman Tillotson read aloud the legal notice.**

Mr. Archambault shared a GIS image of the parcel in question for rezoning along Harvard Road. Mr. Archambault displayed the parcel of land in question as well as the location of the recent rezoning of the abutting property that occurred at Fall Town Meeting.

Mr. Ted Maxant gave a brief background on the property on Harvard Road, stating that it has always been used as a commercial use and not residential. Mr. Maxant also mentioned that the property has been taxed as commercial as well. Mr. Maxant stated that with the deed restrictions on the property and zoning as general business, commercial is the best use of the property. Mr. Maxant stated that he applied to the Zoning Board of Appeals when he started selling honey and when he didn't hear back regarding his application, he locked up the honey business before leaving the area.

Mr. Ken Diskin stated that the property is currently being used for a different propose then what was shown on the screen from Mr. Mapper reflecting the property's status before to getting the rezoning decision from Town Meeting. He asked Mr. Maxant to speak to what is on the property now.

Mr. Maxant stated that the front building is a self-service honey business with no employees present. Mr. Maxant stated that the back section is being leased by Flagg Welding but didn't know it was not an approved use due to how the property is taxed. There is also a landscaping company parking some equipment on site in the general business zoned parcel of land.

Chairman Tillotson stated that the confusion may be that the property my be taxed as business but is zoned residential, and that the Zoning Enforcement Officer has mentioned the violation of use on the property.

Mr. Maxant stated that it was the Zoning Enforcement Office that suggested that he apply to the Zoning Board for the use of the property and in the meantime would allow the use to continue. The Zoning Board of Appeals application went to the Clerk's office but never got scheduled on an agenda and there is no time left to go before Town Meeting, so the best option is for the rezoning petition.

Mr. Diskin asked if there was any information regarding the Zoning Board of Appeals application.

Mr. Archambault stated that he does not have a copy of the Zoning Board application that Mr. Maxant submitted.

Chairman Tillotson stated that he did some research on the application that was submitted to the ZBA found and it was not a complete application, so it was never placed on the agenda.

Mr. Diskin stated that the property should be in general business and to get his endorsement on the article all the businesses need to be removed from the site and once rezoned and if allowed they can return. Currently the property has these businesses on site which are not allowed by current zoning which can appear to be misleading to residents prior to Town Meeting.

Mr. Maxant mentioned that he can request the owner of the landscaping company to remove his equipment from the property.

Mr. Diskin stated that he would like to see only what is allowed by current zoning on the property prior to Town Meeting as well as a new application submitted to the ZBA for the business Mr. Maxant currently has on the site before he will endorse the proposed petition.

Mr. Maxant stated that the Honey Hut has been closed on the property.

Mr. Jonathan Kranz stated that he agreed with Mr. Diskin.

Mr. Archambault mentioned that Site Plan Review would also be needed for the property prior to any business being allowed to operate on the property.

Mr. Maxant that he is not sure what he will do with the property now and will wait to see what happens at Town Meeting before anything happens with the property. If a business comes that requires ZBA approval he will apply.

Chairman Tillotson thanked Mr. Maxant for his understanding on the matter and asked Mr. Maxant if he would indeed ask the existing businesses on site to move off the property.

Mr. Maxant stated that he will ask Flagg welding to close the business on site but will not ask him to remove his equipment as he has nowhere to go.

Chairman Tillotson stated that there have been complaints regarding the use violations on the property and there has been an enforcement letter from the Zoning Enforcement Officer to Mr. Maxant regarding the uses on the property.

Mr. Maxant stated that he will ask the gentleman to remove all the equipment and mentioned that the building has been locked up.

Mr. Kranz wanted to clarify that the welding company will be locked up and the landscaping equipment will be removed.

Mr. Maxant stated that is correct and he will have the welding shop closed and the equipment moved.

Chairman Tillotson opened the meeting to the public.

Ms. Pauline Connelly had a few questions for the Board, one asking where the ZBA application was filed.

There was a brief discussion on where the application was filed, wither it was with the Town Clerk or another office.

Ms. Susan Copeland, Town Clerk stated that the ZBA application was not filled with her back in November as she does not take that information and that they should be filled with the Assistant Town Manager, Carly Antonellis as she is the administrator for the ZBA.

Ms. Connelly's second question was regarding the complaints Chairman Tillotson mentioned regarding uses on the property.

Chairman Tillotson stated that he was not sure but knows that the Zoning Enforcement Office has sent violation letters to Mr. Maxant regarding the uses on the property.

**At 7:25 PM Mr. Jonathan Kranz made a motion to continue the public hearing for the Citizen Petition for a Zoning Bylaw Amendment to the next Planning Board meeting on April 12, 2022. Mr. Ken Diskin seconded. Vote to approve by roll call vote: Mr. Jonathan Kranz, aye; Mr. Ken Diskin, aye, Chairman Tillotson, aye. Mr. Nathan King abstained.**

**Public Hearing, Site Plan Review, 65 Westford Road, New England Power**

**Public Hearing Stormwater Management Permit, 65 Westford Road, New England Power**

*Present: Joshua Lee Smith, Engineer / Representative for New England Power from Bowditch and Richard Lewis from VHB.*

**At 7:30 PM Mr. Jonathan Kranz made a motion to open the public hearing for the Site Plan Review for 65 Westford Road. Mr. Ken Diskin seconded. No discussion. Vote to approve by roll call vote: Mr. Jonathan Kranz, aye; Mr. Nathan King, aye; Mr. Ken Diskin, aye, and Chairman Tillotson, aye.**

**At 7:31 PM Mr. Jonathan Kranz made a motion to open the public hearing for the Stormwater Management Permit for 65 Westford Road. Mr. Ken Diskin seconded. No discussion. Vote to approve by roll call vote: Mr. Jonathan Kranz, aye; Mr. Nathan King, aye; Mr. Ken Diskin, aye, and Chairman Tillotson, aye.**

Mr. Joshua Lee Smith shared pictures and plans of the site and proposed work during the hearing.

Mr. Joshua Lee Smith went over the details of the property which is 40 acres in size with an existing unmanned electrical substation on site. The property is within the Industrial Zoning District and has been used as an electrical substation for the last 50 years. The proposed project is for a switching station which will be part of the existing substation. It will be approximately 29,000 sq.ft. in size and located with the existing fenced in area that will have a similar look and feel of the existing substation with gravel ground cover. The location of the substation is around 100 ft off Westford Road. Mr. Smith went over some of the proposed locations of the equipment pads on site. The property has security fencing, and the project will have additional fencing that will be eight feet in height with one foot of barbed wire on top which is part of National Grid's requirements.

Mr. Kranz had a question regarding the 100-foot buffer zone line on the plans.

Mr. Diskin stated that they have gone to the Conservation Commission and received an Order of Conditions for the project.

Mr. Smith stated that there will be no change with the access to the site, no change to the site lines, and there will be no new traffic created as it is unmanned. Mr. Smith addressed the issue with lighting on

the site. There will be 25-foot-high poles for the lighting. They are requesting a wavier to the lighting plan required for site plans as there is limited lighting on the site and all existing and proposed lighting meets dark sky requirements.

Mr. Richard Lewis from VHB addressed the Stormwater Water Management permit, which is a major permit due to the amount of disturbance. Mr. Lewis went over the details of the project outside of the new switching station which include maintenance and an additional roadway on site. Mr. Lewis showed the Board members the wetlands located on the site, for which they have gone to the Conservation Commission for approval. Mr. Lewis also showed the Board the location of the new light poles. The total disturbance for the project is about 36,000 sq.ft. with grading. The proposed stormwater management for the site includes two new infiltration swales. Due to the crush stone on site which allows for a large amount of infiltration there is only 860 sq.ft. of new impervious area proposed which is all foundation. Through there is a large amount of disturbance they only need to create the two new vegetated swales which will be a foot deep and maintained on a regular basis. They are meeting all the stormwater standards as required.

Mr. Nathan King asked to see the two new swales to be pointed out on the plans.

Mr. Lewis showed the location of the swales on the plans.

The Board had a brief discussion on the proposed stormwater system.

Mr. Lewis stated that there is a large amount of soil to be removed from the site, around 2,700 cubic yards to be replaced with sand and stone for the proposed expansion.

Chairmen Tillotson commented on a slight typo in the plans that list RIDOT standards for the fill and not MassDOT. This will be corrected, and new plans will be submitted.

Mr. Lewis asked if a signature block needed to be added to the plans.

Chairman Tillotson stated that it will and requested that the new plans have a new revision date on them.

Mr. Diskin had a question regarding work that seems to be in the Westford Road right of way.

Mr. Lewis stated that the work is for a three-way manhole, duct and a pole. Mr. Lewis stated that the work can be pulled off the right of way more and on to National Gird property.

Mr. Diskin asked about the work detail on the duct bank.

Mr. Lewis went over the details of the bank that will have an excavation of around 7 feet but does not have all the electrical details on the duct bank.

Mr. Diskin just wanted to point out that there will be a large amount of work for the duct bank.

Mr. Diskin asked if only two light poles is needed.

Mr. Lewis stated that was all that was requested and at a height of 25 feet it should be enough lighting that is only for tasks on site on the addition.

Mr. Smith went over the landscaping plans for the site, stating that they are proposing arborvitaes plantings along the Westford Roadside of the expansion to help with screening. Mr. Smith shared a street view photo of the site to show where the new plantings will go as well as to show the need for the plantings to help with screening. Mr. Smith showed the proposed clearing of some planting at the entrance to the site which include some invasive plants and said they will plant some more arborvitaes in the place of the invasive plants.

Chairman Tillotson thanked Mr. Smith and Mr. Lewis for their time and details on the plans. Chairman Tillotson stated that there are some waivers requested as part of the site plan for the Board to vote on, one being for a photometric plan and requested a detailed plan on the 2 light poles to prove they meet the dark skies requirements. Chairman Tillotson also stated that we are also waiting for the DPW comments.

Mr. Archambault stated that was correct the DPW has not submitted comments at this time and did list that as a special condition of approval. Mr. Archambault went over the three waivers that are being requested as part of the Site Plan Review which are all listed within his staff report.

Mr. Nathan King stated that he did not see a scope of work listed on the plans or a limit of disturbance. Mr. King went on to state that there is a large amount of fill leaving the site and did not see a restoration plan for the disturbed areas.

Mr. Lewis stated that page five of the plans shows the limit of disturbance line along the duct bank and for the substation expansion and the vegetation maintenance. He can add notes to the plan to make it clearer.

The Board agreed to see the notes added.

Chairman Tillotson asked if there was any asphalt roadway on the property for the trucks taking fill off site, citing concerns about taking dirt on to Westford Road.

Mr. Diskin asked if the trucks will be driving around the perimeter of the fence and not going through the substation to take fill out.

Mr. Lewis stated that he was probably correct and that he will have to add a construction entrance.

Mr. King stated that the truck traffic area is the area he is concerned with that will need to be restored.

Mr. Lewis stated that National Grid has strict environmental standards for construction and will have to add more details to the plans to show that.

**At 8:20 PM Mr. Jonathan Kranz made a motion grant the waivers to Sections 9.2, Detailed Landscape Plan, Sections 9.1.5 and 9.1.10 for Off Street Parking and Section 9.3.C for a Lighting Plan as requested and listed in the Town Planner report dated March 18, 2022. Mr. Ken Diskin seconded. No discussion.**



**Vote to approve by roll call vote: Mr. Jonathan Kranz, aye; Mr. Nathan King, aye; Mr. Ken Diskin, aye, and Chairman Tillotson, aye.**

The Board reviewed the Town Planner's findings for approval and Special Conditions as listed in the Town Planner report dated March 18, 2022.

**At 8:27 PM Mr. Jonathan Kranz made a motion that the Planning Board finds that the proposed Site Plan for 65 Westford Road meets the requirements to grant approval with the special conditions as discussed, this evening. Chairman Tillotson seconded. No discussion. Vote to approve by roll call vote: Mr. Jonathan Kranz, aye; Mr. Nathan King, aye; Mr. Ken Diskin, aye, and Chairman Tillotson, aye.**

**At 8:29 PM Mr. Jonathan Kranz made a motion to approve the Stormwater Management Permit for 65 Westford Road as presented with the conditions as discussed. Chairman Tillotson seconded. No discussion. Vote to approve by roll call vote: Mr. Jonathan Kranz, aye; Mr. Nathan King, aye; Mr. Ken Diskin, aye, and Chairman Tillotson, aye.**

**At 8:30 PM Mr. Jonathan Kranz made a motion to close the public hearing for the Site Plan Review for 65 Westford Road. Mr. Nathan King seconded. No discussion. Vote to approve by roll call vote: Mr. Jonathan Kranz, aye; Mr. Nathan King, aye; Mr. Ken Diskin, aye, and Chairman Tillotson, aye.**

**At 8:31 PM Mr. Jonathan Kranz made a motion to close the public hearing for the Stormwater Management permit for 65 Westford Road. Mr. Nathan King seconded. No discussion. Vote to approve by roll call vote: Mr. Jonathan Kranz, aye; Mr. Nathan King, aye; Mr. Ken Diskin, aye, and Chairman Tillotson, aye.**

#### **Town Planner Report**

##### **Letter of support for Flannigan Pond Project**

Mr. Archambault went stated that a letter of support has been requested by the Conservation Commission for their request to the CPC for funding for a project at Flannigan Pond.

Chairman Tillotson stated that the Conservation Commission has place a request for funding with the Community Preservation Committee (CPC) for a feasibility study to find the best location for a boat ramp and is looking for letters of support from other Boards and Commissions.

Mr. Archambault had a draft letter prepared that the Board reviewed.

**At 8:37 PM Chairman Tillotson made a motion to send a letter of support from the Conservation Commission to the Community Preservation Committee (CPC) for the feasibility study at Flannigan Pond. Mr. Jonathan Kranz seconded. No discussion. Vote to approve by roll call vote: Mr. Jonathan Kranz, aye; Mr. Nathan King, aye; Mr. Ken Diskin, aye, and Chairman Tillotson, aye.**

#### **Meeting Minutes May 12, 2021**

**At 8:38 PM Mr. Jonathan Kranz made a motion to approve the minutes of the May 12, 2021, meeting as presented. Mr. Ken Diskin seconded. No discussion. Vote to approve by roll call vote: Mr. Jonathan Kranz, aye; Mr. Nathan King, aye; Mr. Ken Diskin, aye, and Chairman Tillotson, aye.**

#### **Meeting Minutes of February 22, 2022**

At 8:38 PM Mr. Jonathan Kranz made a motion to approve the minutes of the February 22, 2022, meeting as presented. Mr. Ken Diskin seconded. No discussion. Vote to approve by roll call vote: Mr. Jonathan Kranz, aye; Mr. Nathan King, aye; Mr. Ken Diskin, aye, and Chairman Tillotson, aye.

**New Business/Old Business**

**Food Trucks**

Chairman Tillotson stated that we currently do not have any Bylaws or regulations around the use of food trucks and are allowed as other establishments are under our Bylaws. The Board has an application coming soon on a mobile food truck; they had asked the applicant to attend this evening, but they were not able to attend. There was a request that came in earlier in the day regarding that application but since they were not there the Board cannot act on that request. Chairman Tillotson stated that Mr. Archambault and himself have been looking into these types of establishments over the last few days and will see what occurs when the application comes before the Board at the next meeting.

**Meeting Adjournment**

At 8:41 PM Jonathan Kranz made a motion to adjourn. Mr. Nathan King seconded. No discussion. Vote to approve by roll call vote: Mr. Jonathan Kranz, aye; Mr. Nathan King, aye; Mr. Ken Diskin, aye, and Chairman Tillotson, aye.

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Minutes recorded and submitted by Heather Hampson, Administrative Coordinator

Planning Board Approval

Date

Planning Board Chairman (Geof Tillotson)

4/14/22