



PLANNING BOARD

Town of Ayer

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Minutes of August 9, 2022 - Ayer Planning Board Meeting

Location: First Floor Meeting Room, Ayer Town Hall

Meeting was recorded and then broadcasted on APAC

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

Also Present: Mark Archambault, Town Planner

Chairman Kranz called the meeting of the Planning Board to order at 6:15 PM.

General Business

Approve the Agenda

At 6:15 PM Mr. Geof Tillotson made a motion to approve the agenda as presented. Ms. Julie Murray seconded. No discussion. Unanimous vote to approve. (5-0-0)

Covenant and Bond Releases – None

Discussion, potential Bylaw Amendments to West Main Street Form Based Code.

Present: Alan Manoian, Director of Community and Economic Development

Mr. Alan Manoian, Director of Community and Economic Development, stated that he requested time on this evenings agenda to discuss the West Ayer Village Form Based Code. Mr. Manoian gave a brief history the Form Based Code and their passing at Town Meetings. Mr. Manoian stated that the Town received a MassWorks grant for infrastructure improvements on West Main Street.

Mr. Manoian stated that over the past year he has been approached by at least twelve private sector developers regarding the West Ayer Village District. Mr. Manoian mentioned that all the developers he has met with said that they like the Code but have concerns with the building height maximum of three-stories. According to the Form Based Code the first floor must be commercial, limiting the residential aspect to each development to two-stories. The developers are concerned with the increase cost of materials making a viable project with only two stories of residential space. Mr. Manoian mentioned that there is a common request to have development be four-stories to make projects more viable.

Mr. Manoian stated that when drafting the West Ayer Village Form Based Code he missed the fact that many of the lots on the left side of West Main Street, the side with the Devens Plaza are restricted by a steep slope of Shapely Hill that inhibits deeper development in the lots.

Mr. Manoian requested an amendment to the West Ayer Village Form Based Code from three-story max to a four-story max. This is allowed in out Downtown Form Based Code. The section of the Code with

this maximum is Section 10.5.1.5, and the Board would just need to change that section to read four-story max.

Mr. Manoian went over the second request for amendment to the West Ayer Village for lot width. Currently there is a maximum of 260 linear feet. Mr. Manoian stated that the lots out on West Main Street are too narrow and will need to extend the maximum linear feet from 260 to 384 linear feet to make any development more viable. The change in the maximum linear feet would be for both transects.

Mr. Manoian mentioned that the final request for amendment would be under Section 9.1.2 of the Ayer Zoning Bylaw under parking. There were no new parking regulations for any of the Form Based Code districts, there was a Zoning amendment only for the T-6 transect for a reduction on parking required. Mr. Manoian mentioned that in the West Ayer Village district many of the people that move to the development in this area may end up working in Devens. Mr. Manoian stated that there is a Devens shuttle that can drive people to their work on Devens; there are also new bike lanes in the area and the area is also in walking distance to downtown, the train station and Devens. Mr. Manoian suggested that the bylaw be amended to allow for a minimum of one parking space per unit.

Mr. Nathan King asked if there would be any proposed changes to the Downtown Form Based Code.

Mr. Manoian stated that we changed the T-6 transect for parking already and suggested that the Board just change the West Ayer Village District for now.

Mr. King stated that he was looking at overall changes to Downtown Form Based Code at the same time.

Mr. Manoian stated that he has not received any comments on Downtown Form Based Code and does not see the need to make any changes there for the time being but has seen the need to make changes to West Ayer Village. Mr. Manoian mentioned that what is holding the Downtown Form Based Code district back from development is more the parking then the building height or lot length.

Mr. King asked Mr. Manoian for other ideas besides asking for only one parking space per dwelling unit, for example, zero parking spaces, or requesting developers to help fund improvements to public transit.

Chairman Kranz stated that the Board needs to look at developments and what they are doing to accommodate public transit which will be imperative to making a reduction in parking requirements work.

Mr. King mentioned that there needs to be a transportation element to developments which will allow for the parking reduction and would like Mr. Manoian to show some examples of reduced parking development.

Mr. Manoian stated that there was a discussion with the Zoning Board of Appeals regarding the proposed 40b project and their request for a reduction in parking spaces. Mr. Manoian mentioned that the request for a reduction in parking is becoming more frequent as people eliminate the need for a two-car family and look for other means of transportation.

Mr. Diskin mentioned that there are two transects in the West Ayer Village and with the proposed change, both transects would be four-stories.

Mr. Manoian stated that was correct.

Mr. Diskin mentioned that the other request is extend lot width in all transects as well.

Mr. Manoian stated that was correct most of the lots in the area are small narrow lots and extending the width will make development easier.

Mr. Diskin asked that when a development is proposed, the Board get a layout of the development and be able to comment on it.

Mr. Manoian stated that he believes that within the Site Plan Review process that the Board will have the authority to make design decisions.

Mr. King also mentioned that the Board will have discretion on proposed development as stated in the Form Based Code.

Chairman Kranz stated that the regulatory obligations to maintain "local character" may be something that needs more clarification.

Mr. Manoian stated that he has no issue with adding something to the Code that gives the Board the authority to decide on local character.

Chairman Kranz asked what Mr. Manoian's intent for the meeting was this evening.

Mr. Manoian stated that the discussion this evening was just a starting point for the proposed changes.

Mr. Archambault stated that they can continue the discussion to the next meeting with the hopes of holding a public hearing near the end of September.

Mr. Diskin asked if the proposed parking changes were confined to the West Ayer Village district.

Mr. Manoian stated that was correct.

Mr. Tillotson stated that there should be clarification on the mixed use and residential use for parking as there are both in the West Ayer Village. Mr. Tillotson also asked that the Board be reassured that any proposed building with the narrow lots and building height can be reached by the current Public safety equipment.

Mr. Manoian stated that all development looks at public safety first but will get an answer to his question for the next meeting.

Chairman Kranz thanked Mr. Manoian for his time and looked forward to the next discussion where the Boards questions and concerns will be answered.

Public Meeting, Stratton Hill Preliminary Subdivision Plan, 35 lots off of Wright Road

Present: Attorney Robert Collins and several area abutters

Chairman Kranz stated that there are three items that the Board will be discussing this evening. First is an extension; due to a conflict the Board will need to change its meeting schedule and items may not be ready in time. Second, he asked that the Board come to an understanding on the traffic study RFP this evening. Lastly is the list of waivers requested. He reminded those present that the Board does not need to decide on waivers until the Definitive Plan but can give the applicant suggestions on them at this stage.

Mr. Archambault stated that since the last meeting he has been working with the firms that submitted bids for the traffic review which included MDM and Nitsch Engineering. Mr. Archambault stated that MDM has done some work in the past for Attorney Collins on the proposed site and thought it would be best to go with Nitsch Engineering. Mr. Archambault mentioned that they received a revised scope of work from Nitsch and thought it would be best that a small subgroup go through the scope to finalize it and ask that the Board vote this evening to hire Nitsch as the consultant for the traffic study.

Mr. Archambault mentioned that there are a few waivers that the Board could look at and possibly vote on this evening but there are two that may require Town Council to review. Mr. Archambault said that Town Council will review the road configuration and the road length waiver and should get their opinion on them by the August 23rd meeting.

Mr. Archambault mentioned that the Conservation Commission is working with their consultant and should have their report soon. Mr. Archambault mentioned that it is possible that the Commission may not get their recommendation to the Board until early September.

Chairman Kranz turned the meeting to the traffic RFP.

Mr. Diskin asked if all the Board members had a chance to review the Nitsch proposal.

The other Board members informed Mr. Diskin that they had reviewed the proposal.

Mr. Tillotson mentioned that the RFP and scope meet the non-vehicular concerns of the Board and neighbors. Mr. Tillotson also mentioned that in the inter-departmental review sheets the Fire Department has given no comment on the proposal and wanted to ensure that there was no issue with the road length.

Chairman Kranz asked if there was anything missing or that needs to be added to the scope of work for the traffic consultant.

Mr. Tillotson stated that the proposed scope from Nitsch is better than the study submitted by the applicant and with an outside meeting with the consultant can iron out all the necessary items.

Mr. Archambault mentioned that he would make sure that those items are included.

Chairman Kranz asked if any other Board members had any comments on the proposal from Nitsch.

Mr. King stated that he agrees that the Fire Department be asked for their concerns and also if there are changes to the plan that would affect other departments comments.

Mr. Diskin stated that he liked that detail of the scope that includes a meeting with several other departments, and asked Mr. Archambault to coordinate that meeting.

Attorney Collins stated that he has worked with Nitsch on other projects in the Town of Groton and worked on the Groton side of the project for the Town.

Area residents expressed concern on the hour of traffic counts. Non-vehicular traffic takes place very early in the morning and weather and road conditions should be considered in the study.

Mr. Diskin mentioned that Wright Road has a narrow right of way one of the narrowest in the Town which will be looked at when the consultant completes their own study.

Chairman Kranz went over the Preliminary Subdivision process for those present and the Board's next move which is to award Nitsch Engineering the bid to conduct the traffic study.

At 7:23 PM Ms. Julie Murray made a motion to award Nitsch Engineering the bid to conduct the traffic study. Mr. Ken Diskin seconded. No discussion. Unanimous vote to approve (5-0-0)

Chairman Kranz mentioned that there are items that the Board is not ready to discuss this evening due to other departments or Town Council opinion. Chairman Kranz stated that there are three waivers requested that he feels the Board can discuss and possibly vote on this evening.

Waiver request for a landscape plan

Attorney Collins stated that they are not asking for a complete waiver to the submission of a landscape plan but suggested that there be a landscape design a park at the left side entrance to the subdivision. The request would be not to have a street tree planting but a landscape design for the park area, previously disturbed areas and a few others throughout the project.

Chairman Kranz stated that the applicant is not looking for a complete waiver to the landscape plan but for a plan to be limited to defined areas.

Attorney Collins stated that they want to provide landscape designs for disturbed areas as well as street trees, which will be more than is typically submitted.

Chairman Kranz stated that the Board does not need to vote on the waiver now but to wait till the Definitive Plan is submitted.

Mr. Diskin mentioned that the applicant should look at the entire section and may need a waiver only to a section Bylaw. Mr. Diskin recommended that the landscaping plan show the location and variety of all trees proposed for planting, as well as all the locations where landscaping is needed due to rules and regulations. Mr. Diskin went on to stated that the landscaping plan should also include a plan for all planting within any proposed stormwater detention basins, swales and any rain gardens. Mr. Diskin suggested that the applicant needs to be more specific with the landscaping plan.

Attorney Collins mentioned that he will have Mr. Stan Dillis get the Board a better plan showing what trees on site can be saved.

Waiver request for Signage and Road Striping

Attorney Collins asked about the road striping for the project and mentioned that he preferred that the road look more like the roads of the neighborhood with little to no striping but if the Board requests that the road be striped in the typically subdivision roadway, they can do that.

Mr. Diskin stated that this is listed in detailed design plan and will be discussed in the definitive plan stage and the Board can vote on the item then.

Attorney Collins asked how the Board generally feels about the striping.

Mr. Diskin stated that he generally looks more to signage.

Chairman Kranz stated that he generally looks to public safety for their opinion.

Mr. King feels that the country road method of road striping should no be continued and at least the center line of the road be striped.

Waiver request for Test Holes

Attorney Collins mentioned that he understands that the test hole information for all the drainage was done for the entire road length back when the subdivision was originally approved 15 years ago. Per the Boards regulations it is required that periodic testing be completed; they are asking to provide new information only where drainage is proposed, since testing was already done for the entire road.

Mr. Diskin suggested that Attorney Collins look at the Bylaw Section and only request waivers for sections to the Bylaw that apply.

Attorney Collins mentioned that he would also like to discuss streetlights on the project in Groton there are no streetlights.

Chairman Kranz stated that he is not sure what should be done on site as there have been discussions on different projects regarding streetlights.

Mr. Archambault mentioned that there have been articles that state the effects of streetlights on animal behavior.

Chairman Kranz explained to those present that streetlights are for public safety and can be an issue for wildlife, and therefore there needs to be a discussion on whether to have streetlights for the project.

Attorney Collins asked when the Board would want to see them back for a continued discussion.

There was a brief discussion on when the extension is needed for the Preliminary Subdivision project and when would Attorney Collins needed to be back before the Board.

Mr. Archambault requested an extension to at least the end of September and requested that Attorney Collins come back to the Board on September 8th.

Mr. Diskin wanted to go back to the lighting question and mentioned that this may be an item that needs a professional to look at the project. In the Groton side of the project each house lot has a light. On this proposed project there is 100s of feet that do not have any homes and there may be a public safety issue there that needs to be looked at.

Chairman Kranz opened the meeting for public input.

Ms. Marion Stoddart made a comment regarding landscaping, irrigation, fertilizer and pesticide use for the project.

At 7:56 PM Mr. Geof Tillotson made a motion to continue the public meeting to the next meeting on August 11th. Ms. Julie Murray seconded. No discussion. Unanimous vote to approve. (5-0-0)

Town Planner Update

Mr. Archambault said that he had a few items to discuss this evening. The site visit to Cataldo went very well and thanked those Board members that attended. Mr. Archambault mentioned that he will have an update on ongoing subdivisions at the next meeting.

Mr. Archambault mentioned a zoning issue that has been brought to his attention on Groton Harvard Road. There is an existing property that currently has a trucking business on it that is for sale, the property is zoned A-1 but has been used as a commercial property for many years. There have been several inquires asking if the Board would rezone the property to make the zoning consistent with its current use.

Mr. Tillotson stated that the property was zoned A-1 after it was being used for a trucking company. It is a pre-existing non-conforming lot. Mr. Tillotson stated that the property does not have water or sewer and if it were to be built as residential it would need to have those items brought in. Mr. Tillotson also stated that the property abuts the Town's transfer station.

Mr. Diskin stated that there are many factors with the property that the Board needs to consider before looking at a zoning change.

Mr. Archambault mentioned that he gets many inquires on the lot and mentioned that he would bring the item to the Boards attention.

Mr. Archambault stated that he would not have many zoning changes for Town Meeting but wanted to bring to the Boards attention Section 9.1.4b under parking. The issue with the section is the last line that requires the approval for off property parking be recorded on the property deed. Mr. Archambault suggested that better language be used and get rid of the property deed. This would hopefully make the use of off property parking easier.

Mr. Tillotson suggested that the item be recorded in Land Court instead of the Registry of Deeds.

Due to technical difficulties by Ayer Public Access the last 10 minutes of the meeting were not recorded and therefore not included in the minutes.

Minutes recorded and submitted by Heather Hampson

Planning Board Approval _____
Date

Planning Board Chairman (Jonathan Kranz)


