



PLANNING BOARD

Town of Ayer

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Minutes of August 23, 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, and Nathan King

Also Present: Mark Archambault, Town Planner

Absent: Julie Murray

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. Mr. Ken Diskin seconded. No discussion. Unanimous vote to approve. (4-0-0)

Covenant and Bond Releases – None

Discussion – Referral to Select Board for Road acceptance and layout for Woodland Way and Hemlock Drive as Town Ways

Present: Mikael Lassila, Engineer from S.J. Mullaney and Dan Van Schalkwyk, Director of Department of Public Works.

Mr. Mikala Lassila stated that the request was submitted to the Select Board to have the road acceptance placed on the Town Meeting Warrant. Mr. Lassila stated that he had forwarded the as-built plans to the Department of Public Works for review.

The Board went over the list of items on the punch list from the Department of Public Works. Chairman Kranz had a question on the drainage warranty.

Mr. Dan Van Schalkwyk that there is some concern with the drainage castings throughout the project that may need replacement in the near future due to manufacturing defects. Mr. Van Schalkwyk mentioned that he spoke to Duke Pointer regarding the castings and he has agreed to placing money in surety or replacing any of the castings if they do need to be replaced.

Chairman Kranz asked if the punch list had been approved by the Department of Public Works and if Mr. Van Schalkwyk is confident that the list will be completed by town meeting.

Mr. Van Schalkwyk went over the process for street acceptance with the Board and mentioned that they had conducted several inspections during construction and is confident that the punch list items will all be completed in time for town meeting for approval.

Mr. Ken Diskin had a few questions on the overall project including the punch list items being completed, the engineer of record for the project and the water tower that was added for the project.

Mr. Van Schalkwyk stated that the punch list items should be completed in time for Town Meeting vote.

Mr. Lassila mentioned that the items listed in the punch list from Mr. Van Schalkwyk are mostly completed now including the bonds for the as-built plan.

Mr. Lassila stated that the engineer for the project started out as David E. Ross Associates and then S. Mullaney took over the project and will be providing the as-built plans. Mr. Lassila also give a brief history for the addition of the water tower.

Mr. Lassila and Mr. Van Schalkwyk addressed Mr. Diskin's concerns with the water tower.

At 6:30 PM Chairman Kranz made a motion recommend the acceptance of roadway layout of Woodland Way and Hemlock Drive to the Select Board for Town Meeting pending the completion of the punch list drafted by Department of Public Works prior to Town Meeting. Mr. Tillotson seconded. Unanimous vote to approve. (4-0-0)

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

Present: Alan Manoian, Director of Economic Development

Chairman Kranz stated that at the last meeting Mr. Alan Manoian had presented proposed changes to the West Ayer Village Form Based Code and with a lull in projects before the Board it is a good time to go into an in-depth look into the proposed changes.

Mr. Manoian handed out a list of sections to the Ayer Zoning Bylaw that states where the Planning Board has the authority to grant waivers, special permits, and require design requirements. All these items were questions at the Board members had at the last meeting.

Mr. Manoian went over the sections of the Ayer Zoning Bylaw which were listed in his hand out. These sections included: Section 3.5.4 with the Board which gives the Planning Board digressionary authority for Site Plan approval along with building design approval to ensure that what is proposed fits with the neighborhood. Mr. Manoian also went over Ayer Zoning Bylaw Section 9.1.2 for Parking for mixed used under subsection D where the Planning Board can grant a Special Permit to reduce the number of parking spaces.

Mr. Manoian continued to go over sections of the Zoning Bylaw where it is stated that Planning Board has the authority to grant approvals for projects with consideration to parking and design including Section 9.1.10 which requires a parking management plan. Section 9.3 for Commercial Development Standards gives the authority to review design standards and ensure they meet with neighborhood and town design.

Mr. Ken Diskin thanked Mr. Manoian for the handout that addresses many of the Board's concerns from the last meeting. Mr. Diskin stated that Mr. Manoian mentioned Section 9.3 for Commercial Standards but said that for West Main Street most of the proposed development could be mixed-use development.

Mr. Manoian said the first floor of the mixed-use development will be a commercial use and is designed for a commercial use. Mr. Manoian then went over the Site Plan Regulations for criteria of approval mentions design of building form can be altered and approved by the Board.

Mr. Manoian mentioned that all of this depends on whether Board will allow for four stories in the West Ayer Village Form Based Code. Mr. Manoian stated that the Board has the authority to ensure that the design meets the surrounding area.

Mr. Manoian moved on to the request to change the parking requirements to only one parking space for all units in the West Ayer Village and suggested that the Board look at Section 9.1.2 item 2 for multifamily dwellings and insert a line to address West Ayer Village for one space per unit. Mr. Manoian stated that this would then only address residential uses and not all uses in the West Ayer Village district.

Chairman Kranz asked the Board members if they had any questions or concerns with the proposed changes at this point.

Mr. Geof Tillotson stated that he is not sure how he feels about the proposed changes as they are just on paper with no proposed plans in front of the Board to consider. Mr. Tillotson thanked Mr. Manoian for the changes to the parking to be in Section 9.1.2.

Chairman Kranz stated that he had some reservations with the proposed changes as the area is a primarily residential area of town that will allow as-built buildings to be constructed.

Mr. Tillotson did mention that the West Main Street area is also the gateway to Devens which is undergoing a lot of construction most of which is commercial building.

Mr. Manoian did mention that the Board does not dictate architectural style but does have a Form Based Code that does have design requirements. The Form Based Code allows the Board to decide what the building will look like, and the Board makes sure it fits with the neighborhood.

Mr. Nathan King expressed concern with the proposed amendments as they may make the Zoning more complicated and what they may do for the overall look of the town. Mr. King mentioned that he would prefer to have an applicant come before the Board with an application asking for the changes or waivers and then decide from there.

Mr. Manoian stated that some of the issues with Form Based Code are with the parking requirements.

Chairman Kranz stated that they are looking at addressing those issues with parking.

Mr. King continued to express his concerns with the proposed changes stating that it may not change any of the reservations or issues with the lack of development in the Form Based Code areas.

Mr. Manoian stated that the proposed changes give the developer less restrictions on what can be built while still allowing for the Board to have the final say on what is built and what it will look like and address issues of parking with the requirement for a parking management plan.

Chairman Kranz mentioned that the Board will have to make a recommendation on the proposed changes and asked if there was anything standing in the way of the recommendation.

Mr. Mark Archambault stated that there is nothing left for the Board to do except to make the decision to have a public hearing for proposed zoning changes.

Mr. Ken Diskin cautioned Mr. Manoian to look closely at the entire Zoning Bylaw for any other changes that may need to be made especially to the parking section and the tables. Mr. Diskin also asked for clarification regarding the transects for the West Ayer Village Form Based Code.

Mr. Manoian stated that there are more than just building heights listed in each transect, the proposed changes are to just make each transect four stories and leave the remaining requirements the same for the different transects.

Mr. Diskin stated that the change to four stories changes the overall look for him for the West Ayer Village Form Based Code District. Mr. Diskin expressed concern on changing to a four-story design from what exists parcel by parcel will dramatically alter the look of the area.

Mr. Diskin mentioned that the parking amendment for West Ayer Village should be changed for the entire town and not just West Ayer Village.

At 7:24 PM Mr. Geof Tillotson made a motion to hold public hearing at the next available Planning Board meeting for the proposed changes to the West Main Street Village Form Based Code. Mr. Ken Diskin seconded. No discussion. Unanimous vote to approve. (4-0-0)

At 7:25 PM Mr. Geof Tillotson made a motion to hold a public hearing at the next available Planning Board meeting for proposed changes to Ayer Zoning Bylaw Section 9.1.2 for parking. Mr. Ken Diskin seconded. No discussion. Unanimous vote to approve. (4-0-0)

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

Present: Attorney Robert Collins, Stan Dillis, Engineer, Dillis and Roy, and several area abutters

At 7:26 PM Mr. Geof Tillotson made a motion to open the continue public meeting for Stratton Hill Preliminary Subdivision Plan. Mr. Ken Diskin seconded. No discussion. Unanimous vote to approve. (5-0-0)

Mr. Archambault stated that since that last meeting they have finalized the contract with Nitsch for the traffic consultant and they will be conducting new traffic counts this coming week and should have the new counts for the meeting on September 8th.

Mr. Geof Tillotson requested that at least one day of traffic counts be conducted on a day that the Sandy Pond Beach is open.

At 7:36 PM Mr. Geof Tillotson made a motion to accept the letter for extension for the Preliminary Subdivision approval till September 30th. Mr. Ken Diskin seconded. No discussion. Unanimous vote to approve. (4-0-0)

At 7:37 PM Mr. Geof Tillotson made a motion to continue the public meeting to the next meeting on September 9th. Mr. Nathan King seconded. No discussion. Unanimous vote to approve. (4-0-0)

Town Planner Update

Mr. Archambault mentioned that he received an email from Catania Oils for their grand opening/open house for the expended bottling plant. He will forward the email to the Board so they can attend if they wish.

Mr. Archambault stated that the MRPC is in the process of setting up a meeting to review the final guidelines for the MBTA Transit Zoning with cities and towns.

Ayer Solar II Update

Chairman Kranz asked Conservation Agent Heather Hampson for an update as she was in attendance for the meeting.

Ms. Hampson stated that the Conservation Commission office had received draft revised plans showing some of the changes on the site and will be meeting with Mr. Rohit Garg and representatives from GPR, Inc. to review the plans and the site at the Conservation meeting on Thursday August 25th.

Minutes from the July 12, 2022 meeting

At 7:45 PM Mr. Geof Tillotson made a motion to table the minutes to the next meeting. Mr. Ken Diskin seconded. No discussion. Unanimous vote to approve. (4-0-0)

New Business

40b Comprehensive Permit Fitchburg Road

Mr. Tillotson mentioned that as a member of the Affordable Housing Trust he will keep the Board updated on the 40b project on Fitchburg Road which will be discussed at the Zoning Board of Appeals meeting on August 31st.

Mr. Ken Diskin stated that the Affordable Housing Committee is endorsing the project as it will bring in a lot of affordable housing into town.

National Pollutant Discharge Elimination System Permit (NPDES)

Mr. Diskin wanted to make sure that the Board is looking into that all projects before the Board that are over 1 acre in size are applying for or have their NPDES permits from the EPA. Mr. Diskin stated that these permits are required from the Environmental Protection Agency for any disturbance over one acre of land and wants to make sure the Board asks applicants to prove that they are filing or have filed for their NPDES permit before the Board approves a project.

Meeting Adjournment

At 7:58 PM Mr. Geof Tillotson made a motion to adjourn. Mr. Ken Diskin seconded. No discussion. Unanimous vote to approve. (4-0-0)

Minutes recorded and submitted by Heather Hampson, Administrative Coordinator

Planning Board Approval _____
Date

Planning Board Chairman (Jonathan Kranz)


