



PLANNING BOARD

Town of Ayer

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Minutes of November 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 Murray 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 amended. Ms. Julie Murray seconded. No discussion. Unanimous vote to approve. (5-0-0)

Covenant and Bond Releases - None

Public Hearing, Site Plan Modification, Air 22 LLC, 22 Fitchburg Road

Present: Mikael Lassila, Engineer from S. J. Mullaney Engineering, Inc. and Property Owners, Paul DiGeronimo and Laura O'Kane from DeGeronimo Properties

Mr. Mikael Lassila stated that they are before the Board for a Site Plan modification for a Site Plan that was approved in 2017. Mr. Lassila went over the previously approved plans, stating that after approval the economy took a turn and the owners stalled building the project but kept all Planning and Zoning approvals active. During the time that the project was stalled the owners revisited the design to make a better project. One of those changes includes a change to the previously approved building to eliminate the drive through building due to MassDOT concerns with drainage. The change was part of a larger discussion with MassDOT that led to the phasing of the project which the Board previously approved which has led to the Advanced Auto Parts store being built on site now. Those changes also lead to AVS requesting additional soil testing and ponding concerns between the two properties. That led to revised changes to the stormwater basin which then lead a reduction to the Shop and Save building additions from four units to three.

Mr. Lassila continued to go through the changes to the plans which include sidewalks, changes to curb cuts and changes to stormwater on site along with landscaping and changes to the parking spaces and grid. Due to the parking space changes there will be some changes to the light poles for the parking lot.

There was some discussion regarding the entrances to the parking lot and the width for truck traffic. Mr. Lassila stated that the entrances are designed to MassDOT standards.

Mr. Lassila went over the reminder of the modifications to the site that were part of MassDOT comments. Mr. Lassila mentioned that there are different permits with MassDOT for the project that will be recorded on the property.

There was some discussion on what would be included in Phase 1 and Phase 2 of the project.

Mr. Ken Diskin had some questions regarding the drainage basin along the road near the auto parts store.

Mr. Lassila went over the details for Mr. Diskin and the rest of the Board.

Mr. Geof Tillotson asked about snow storage in the back of the property.

Mr. Lassila stated that there will be some snow storage in the back as well as placing some snow in the parking area.

Mr. Lassila stated that he had reviewed Mr. Archambault's Planner Report that outlines the project and how it meets current zoning requirements.

Mr. Archambault stated that the first step is for the Board to accept the application for consideration a then the Board has two waivers to review and the Board will need to review Department review comments before acting on the application.

At 6:41 PM Mr. Geof Tillotson made a motion to accept the application for Site Plan modification for 22 Fitchburg Road for consideration. Ms. Julie Murray seconded. No discussion. Unanimous vote to approve. (5-0-0)

Mr. Archambault went over the two waiver requests. The first request is for the height of the light poles where the original poles on site were installed in before zoning was in effect. Mr. Archambault suggested the Board review the photometric plan for the site.

Mr. Lassila gave the Board a little more detail on the lighting for the site. Mr. Lassila stated that there are four, 30-foot poles on site and they will be adding three, 15-foot poles all with LED lights to meet the Boards dark sky requirements. The waiver request is to allow the existing poles to remain in place.

Mr. Archambault mentioned the second waiver request is for the stormwater system to be permitted by MassDOT and not the Town. Mr. Archambault read a comment on the proposed stormwater design and how it is meeting the MassDOT design and does not need a new Stormwater permit.

At 6:46 PM Mr. Geof Tillotson made a motion to grant the waiver for the lighting pole height for the four existing light poles on site. Mr. Ken Diskin seconded. No discussion. Unanimous vote to approve. (5-0-0)

There was a question from an area resident regarding the Stormwater waiver, ensuring that the proposed Stormwater system will meet the Town's MS4 requirements.

Mr. Ken Diskin stated that the proposed Site Plan modification is for the second phase of the project and not the current activity on site. The project received a Stormwater approval from the Town at that time.

Mr. Lassila stated that the MassDOT standards meet the State Stormwater Standards. The proposal is being reviewed by the Ayer Department of Public Works Director.

There was some further discussion on tree planting on site, which meets the Town requirements but is limited due to the high-water table in the area. There were also a few questions on the light pole height of the existing lighting. Allowing for the higher poles to remain is allowing for less poles to be added on site.

At 6:58 PM Mr. Ken Diskin made a motion to grant a waiver from the Ayer Stormwater Regulations for Phase II for 22 Fitchburg Road, LLC for the site plan located at 22 Fitchburg Road. Ms. Julie Murray seconded. Discussion: Mr. Nathan King asked for a brief explanation of the system. Mr. Diskin went over the MassDOT requirements, which are greater than the Towns requirements. Unanimous vote to approve. (5-0-0)

The hearing was opened to the Board for comment.

Mr. Diskin asked for some more explanation of the plants that are proposed on site.

Mr. Lassila went over the planting list and their locations for the Board.

Ms. Julie Murray asked where the bicycle spaces will be placed.

Mr. Lassila went over their location.

Chairman Kranz opened the meeting to the public.

There were some questions on the landscape plan and number of trees on site. Mr. Lassila went over the plan and reason for not including planting islands in the parking area and went over the locations where pavement will be removed.

Mr. Archambault mentioned that the DPW Director had a comment to have the sidewalk extended across the entire property to anticipate future expansion.

Mr. Lassila mentioned that the extension of the sidewalk would need to be approved by MassDOT. Mr. Lassila went over the plans with the Board showing the location of the stormwater which prohibits the applicant from extending the sidewalk.

Mr. Tillotson mentioned that there is a proposed 40b residential building bringing in 106 apartments almost directly across the street from this property and would be beneficial to the Town to have the sidewalk extended.

Mr. Lassila mentioned that the proposed condition did suggest that the sidewalk be tied to occupancy and getting MassDOT approval can take a lot of time.

There was a brief discussion on whether for not the Board could condition the sidewalk on site. The Board can not as it is off site.

Mr. Archambault mentioned that he will remove the condition for a sidewalk and add a condition to add additional plantings along the frontage near the auto parts store, if possible, pollinator plants. Mr. Archambault stated the last condition would be that any changes to the existing signage will need to receive approval from the Building Commissioner.

At 7:25 PM Mr. Ken Diskin made a motion to approve the Site Plan modification for Ayer 22 Fitchburg Road, LLC as submitted with drawings by S.J. Mullaney, Inc dated October 7, 2022. Mr. Geof Tillotson seconded. Mr. Diskin wanted to condition the motion that the applicant work with Mass DOT to extend the sidewalk on site and add some landscaping along the detention basin in order to approve the look of the site. Mr. Geof Tillotson seconded the condition. Unanimous vote to approve. (5-0-0)

Chairman Kranz called a 5-minute recess.

The meeting reconvened at 7:37 PM

Continued Public Meeting, Stratton Hill Preliminary Subdivision Plan

Present: Attorney Robert Collins, and Mr. Stan Dillis Engineer Dillis and Roy, and several area residents

At 7:38 PM Mr. Geof Tillotson made a motion to open the public meeting. Ms. Julie Murray seconded. No discussion. Vote to approve, 4-1-0, Mr. Ken Diskin abstained.

Chairman Kranz stated that they will start the meeting on Stratton Hill with the Conservation Recommendation and allow the applicants representatives to comment on the recommendation.

Attorney Collins stated that they have reviewed their report and recognize the time they took to draft the report. Attorney Collins stated that he agrees that the property is very important and stated that allowing for development to the North of the powerlines keeps development from the sensitive east side along Long Pond. Attorney Collins stated that he feels that the proposed project is much better than the previous proposal and shows limited development which fits best for the site.

Mr. Stan Dillis mentioned that they met with Natural Heritage and discussed the powerlines and the easement. Natural Heritage mentioned that they don't see the need for any type of wildlife crossing i.e., tunnel but did recognize the importance of protecting the area.

Attorney Collins stated that the purpose of the meeting was for the proposed turtle nesting area and will have something in writing from Natural Heritage for the definitive plan. Attorney Collins stated the proposed turtle nesting area could be in a previously disturbed area north of the lines.

Attorney Collins mentioned that the open space will most likely be gifted to Mass Fish and Wildlife that will have a declaration of restrictions and an easement for the Conservation Commission so that they can maintain the turtle nesting area. The details will be worked out before the Definitive plan is submitted.

Chairman Kranz mentioned that one of the concerns that Conservation had in their report was protecting the slope to Long Pond, which with the new plan has been cleared of development. Chairman Kranz stated that the only other area left of concern for the Conservation Commission is development north of the power lines. Chairman Kranz stated that placing all the lots south of the powerlines could be more detrimental to Long Pond.

Attorney Collins stated that in order to get all the lots in south of the powerlines there would be more lots that could affect Long Pond.

Chairman Kranz opened the meeting to the public regarding the Conservation Recommendation.

Ms. Beth Suedmeyer, resident, Nashua Street, had a comment regarding stormwater on the Long Pond side of the development and expressed concern about having nothing in that area.

Mr. Dillis stated that an older plan had more stormwater remediation proposed in the area and in the future will most likely have to have something on that side. Without soil testing it is hard to know where and what will be placed there but will try to keep everything as close to the road as possible.

Mr. Mark Phillips, Conservation Commission Vice-Chairman, had a similar comment to Ms. Suedmeyer.

Mr. Diskin stated that without soil testing it is not possible to state where stormwater will be placed.

Mr. Tillotson mentioned that low impact development techniques be used on site including limiting the width of the road and keep those items in mind when developing the Definitive plans.

Mr. Phillips commented on limiting the road north of the power lines to a dead end.

There was a brief discussion on how to limit the road length north of the powerlines and development including, changes to the road, selling the portion to Fish and Game, and having multifamily housing units throughout the development.

Mr. Archambault mentioned that if the Board was to vote on the Preliminary Plan this evening there are three items they need to vote on and consider. The first item is to review and vote on the list of waivers that have been requested. Second is the conservation findings and finally action on the plan itself.

Mr. Archambault stated within the staff report there is a section on the Conservation Findings which includes four items the applicant has done to minimize the environmental impacts for the proposed subdivision, which he read aloud.

Mr. Diskin requested adding a fifth finding to include limiting development including stormwater basins on the Long Pond side of the property.

Mr. Archambault went over the Conservation Findings listed in the staff report for the Board to vote on.

At 8:21 PM Mr. Geof Tillotson made a motion to accept the Conservation Findings as listed in the staff report and read by Mr. Archambault with the minor edits made during the meeting. Ms. Julie Murray seconded. Unanimous vote to approve. (5-0-0)

The Board next went over the requested waivers. The Board can not vote on the waivers without Definitive Plans, but the Board can give the applicant their sense of the requested waivers.

First the Board discussed the request that the landscape plan mark all the 12" diameter trees. There was a brief discussion of the request.

Attorney Collins stated that there will be a landscape plan and will work on the language of the waiver request for the Definitive plan that may include flagging certain trees.

Second the Board discussed the waiver request for signage and road striping. With the request for limited road width and Wright Road not being striped the request seems reasonable.

Third, the Board discussed the waiver request for test hole data, asking only for new information since there has already been data in the past that would not have changed. The Board agreed with the request given that the previous information would be agreeable.

Attorney Collins mentioned that there is one waiver request that was not included regarding streetlights. Chairman Kranz mentioned that the reduction of streetlights is in the Conservation Recommendations and mentioned as long as public safety is met, he is fine with a reduction of streetlights.

Next the Board discussed the waiver request for dead-end road length and discussed whether the road is in fact a dead-end road. Mr. Archambault read aloud an email from both Police Chief Gill and Fire Chief Jonston stating their thoughts on the road.

Lastly the Board discussed the waiver for road width; the Board stated that public safety would need to be met for road width.

The Board had a brief discussion on the approval of the Preliminary Plan on whether it is approval with modifications, approval or denial.

At 8:50 PM Mr. Geof Tillotson made a motion to approve the Preliminary Plan for Stratton Hill as shown on the plans dated October 7, 2022. Ms. Julie Murray seconded. Unanimous vote to approve. (5-0-0)

Town Planner Update

Mr. Archambault mentioned at the next meeting there will be a minor Site Plan Review for a building on Bligh Street. Mr. Archambault also presented an RFP for an engineering review of Stratton Hill's upcoming Definitive Plan to the Board members and asked them to review and get comments to him before the next meeting.

Meeting Adjournment

At 8:56 PM Mr. Geof Tillotson made a motion to adjourn.

Minutes recorded and submitted by Heather Hampson, Administrative Coordinator

Planning Board Approval _____
Date

Planning Board Chairman (Jonathan Kranz)

 3/10/23
Date