



PLANNING BOARD

Town of Ayer

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Minutes of March 28, 2023 - 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. Ms. Julie Murray seconded. No discussion. Unanimous vote to approve. (5-0-0)

Continued Public Hearing, Site Plan, Special Permit and Stormwater Permit – Nasoya Foods, USA 1 New England Way

Present: There were no applicant representatives present.

Chairman Kranz asked Mr. Archambault, Town Planner to give an update on the project.

Mr. Archambault mentioned that he received a call and email from Attorney Thomas Gibbons, representative for Nasoya, requesting a continuance to the April 11th meeting to allow for more time to address DPW comments.

At 6:17 PM Mr. Geof Tillotson made a motion to open the hearings for Site Plan Review, request for Special Permit and Stormwater Management Permit for Nasoya, and continue the hearings to the next meeting per the request from their representative. Ms. Julie Murray seconded. No discussion. Unanimous vote to approve. (5-0-0)

Continued Public Hearing, Site Plan Review and Special Permit – 14 Washington Street

Present: Cal Goldsmith, Engineer, GPR, Inc. and Mark Gallagher Sr., Owner

At 6:18 PM Mr. Geof Tillotson made a motion to open the continued public hearing for Site Plan Review and Special Permit for 14 Washington Street. Ms. Julie Murray seconded. No discussion. Unanimous vote to approve. (5-0-0)

Mr. Archambault mentioned to the Board the Building Commissioner, Charles Shultz, issued a letter to Mr. Mark Gallagher, Sr. and GPR, Inc. stating that in his opinion as the Zoning Enforcement Officer only one unit is allowed on the first floor without seeking a variance. The applicant agreed and will modify the plans to reflect the change.

Mr. Mark Gallagher Sr. mentioned that he received the letter late last week and will be changing the plans to reflect that decision but does not have anything this evening to share with the Board reflecting the change. Mr. Gallagher mentioned at the last meeting there were a few comments regarding an addition on the left side of the building and the wing on the right side so there are a few changes to those comments. Mr. Gallagher also mentioned that they are addressing the right side being on the property line and are looking to move the addition in. There are a few other changes to the plans that address the overall look of the building to be more in line with the historic look of the building and there is a slight reduction of the building footprint with the loss of one unit.

Mr. Cal Goldsmith went over the parking changes to the project, which shows the seven parking spaces in the front of the building and the addition of walkways. Mr. Goldsmith went over the trash enclosure area on the west side of the building along with the relocation of the bike rack. Mr. Goldsmith mentioned the changes allowed for the expansion of some planting areas, and went over the other planting areas and a list of some of the plantings that will be used on site.

Chairman Kranz asked a few questions regarding the fire hydrant.

Mr. Goldsmith mentioned that the fire hydrant will be left for the overall look of the building and will be surrounded by brick.

There was a brief discussion regarding the fire hydrant on site.

Mr. Goldsmith went over the addition of some stone to outline the edge of the parking per Mr. Diskin's comments from the last meeting. There is also an increased landscaped area along the west side of the property so long as they can get Mr. Calvin Moore's approval as he is the property owner.

Mr. Goldsmith moved onto the special permit requests that will be needed for the project. The first special permit request is for the conversion from commercial to mixed use under **Section 5.2, Item 1.5** of the Ayer Zoning Bylaws as stated by Mr. Shultz, Zoning Enforcement officer in a letter to the applicant.

The Board held a discussion on the special permit request for the conversion and the opinion of Mr. Shultz and gave their opinion on the request.

The Board moved on to the second special permit request for a residential unit at grade in a commercial building, **AZB Section 5.2, Item 1.7**, which according to Mr. Shultz's letter needs a special permit.

Mr. Goldsmith stated that they do not agree with the opinion of Mr. Shultz but will be moving forward with revised plans with only one unit on the first floor and a special permit request.

The Board agreed that the best course of action would be to move forward with the special permit requests as suggested by Mr. Shultz.

Mr. Goldsmith stated that as part of this and all their applications there is a clause that states that they request all waivers and special permits as requested by the Board. This covers the applicant for any additional waivers and special permits that were not requested in the application but that are needed for the project. Mr. Goldsmith mentioned that there is a potential additional waiver from DPW comments.

The Board had a brief discussion on whether or not to discuss and vote on the remaining waiver request for parking.

The Board discussed the waiver request to Section **9.1.2 A. 2** for a waiver to reduce the parking from 9 required parking spaces to 7, which includes a handicap space if it is needed.

At 6:41 PM Mr. Ken Diskin made a motion that the Ayer Planning Board grant a waiver as requested by the applicant for the project at 14 Washington Street to Ayer Zoning Bylaw Section 9.1.2 A.2, Off Street Parking requirements, to allow for 7 parking spaces where 9 is required. Mr. Geof Tillotson seconded. No discussion. Unanimous vote to approve. (5-0-0)

The second waiver needed for parking is to allow parking in the front of the building that needs a special permit to allow. Mr. Goldsmith mentioned that the Board discussed and decided that they can waive the need for the special permit to allow for the parking in front of the building since parking has been historically allowed in the front of the building prior to the Zoning Bylaw.

Mr. Diskin wanted to clarify that the Board is granting a waiver for parking due to pre-existing conditions under Section 9.1.10 of the Ayer Zoning Bylaw and stated that it should be stated in the motion.

At 6:55 PM Mr. Ken Diskin made a motion that the Ayer Planning Board a grant waiver request, number 2, for the project at 14 Washington Street as proposed by the applicant to waive Section 9.1.5.c.1, in compliance with Section 9.1.1.o which allows the Ayer Planning Board to make a waiver possible due to site conditions and site design. Ms. Julie Murray seconded. No discussion. Unanimous vote to approve. (5-0-0)

Mr. Nathan King commented on the parking management plan that was submitted to the Board.

Mr. Goldsmith stated that there is another waiver still needed for parking: in Section 9.1.5.c2 a waiver is needed for the required parking distance from a wall.

At 7:00 PM Mr. Ken Diskin made a motion that the Ayer Planning Board grant a wavier request, number 3, for the project at 14 Washington Street as proposed by the applicant to waive Section 9.1.5c2 of the Ayer Zoning Bylaw, per Section 9.1.10 which grants the Board the authority to grant such waiver. Mr. Geof Tillotson seconded. Mr. Diskin stated that due to the property restraints in order to move the project forward waivers are needed for parking. Unanimous vote to approve. (5-0-0)

Mr. Goldsmith stated that the other waivers were voted at the last meeting except a waiver for a 4-foot landscaped area between the sidewalk and the property. Mr. Goldsmith stated that there is no room on the property to provide the landscaped area so a waiver is requested.

At 7:03 PM Mr. Nathan King made a motion that the Ayer Planning Board grant waiver request number 4, for the project at 14 Washington Street as requested by the applicant to Section 9.1.7.c2 to waive the requirement for a 4-foot-wide landscape strip between the sidewalk and parking. The waiver is allowed under Section 9.1.10 of the Ayer Zoning Bylaws. Ms. Julie Murray seconded. No discussion. Unanimous vote to approve. (5-0-0)

Mr. Goldsmith had one last item regarding parking. In the DPW comments the curb cut width is larger than required by the DPW Regulations.

Mr. Archambault suggested that the applicant go to the DPW regarding the curb cut.

There was a brief discussion on the curb cut on the existing property.

Mr. Goldsmith went over the remaining DPW comments with the Board.

Mr. Archambault mentioned that the Board will need an extension for the Site Plan decision. Mr. Archambault read aloud a letter submitted by GPR, Inc. granting an extension till May 9, 2023.

Mr. Diskin had a few more questions for Mr. Gallagher on the project, including the additional space on the first floor,

Mr. Gallagher anticipates that the space will be used for storage.

At 7:13 PM Mr. Geof Tillotson made a motion to continue the public hearing for the Site Plan Review and Special Permit for 14 Washington Street to the next regularly scheduled Planning Board meeting on April 11, 2023. Ms. Julie Murray seconded. No discussion. Unanimous vote to approve. (5-0-0)

Town Planner Update

Mr. Archambault mentioned at a prior meeting there was concern from the Board that some of the documents included in the Green International proposal were not the ones that will be included in the definitive plan set. Mr. Archambault stated that he needed to include documents from the preliminary plan in the RFP so that Green International could have something to go by for their estimate. In their proposal it is clarified that they are aware of review for additional documents for the definitive plan. Mr. Archambault also mentioned that he had Green add reviews of the Stormwater Regulations and OSRD regulations for compliance for the definitive application. Mr. Archambault stated that he needs a vote from the Board to accept the changes to the contract to address the deficiencies as discussed and will then have Robert Pontbriand, Town Manager, sign the contract with Green International.

Mr. Tillotson asked if the scope of work will be able to be amended even after the contract is signed.

Mr. Archambault stated that as part of the contract there will be a meeting to discuss the overall scope of the review.

At 7:25 PM Mr. Geof Tillotson made a motion to authorize the Green International updated letter dated March 24, 2023, and have the Town Planner bring the agreement to the Town Manager for approval on behalf of the Ayer Planning Board. Ms. Julie Murray seconded. Unanimous vote to approve. (5-0-0)

Mr. Archambault went over the DLTA grant for the total build-out for the Downtown Form Based Code and the results of the study. Mr. Archambault mentioned that as part of the MBTA Communities Zoning MRPC did a total build out of the West Ayer Village Form Based Code. Mr. Archambault stated that since they now have a total build-out for both Form Based Code districts it would be beneficial to complete a study to see if the Town's sewer and water systems can handle the full development and apply for a DLTA grant for that study for the MRPC to complete.

Mr. Geof Tillotson had a few comments in regard to MRPC as the representative for the Board.

Mr. Archambault went over the spreadsheet of current projects that have been approved by the Board or future projects for the Board to review and would like to have a Board member meet with him to review the spreadsheet.

Minutes January 24, 2023

At 7:26 PM Ms. Julie Murray made a motion to approve the minutes from the January 24, 2023, meeting minutes as amended. Mr. Nathan King seconded. No discussion. Unanimous vote to approve. (5-0-0)

Old and New Business

New Business

Chairman Kranz mentioned that a few Board members and Mr. Archambault attended the Citizen Planner Training Collaborative Annual Conference over the weekend. Chairman Kranz stated that there was a session on housing, permitting and One Stop grant processes.

The Board had a brief discussion on affordable housing and community support.

Mr. Diskin had a few comments regarding Devens and Mass Development.

Old Business

Mr. Julie Murray asked if there was any follow-up on the super majority question for special permits and mentioned that she spoke to Mr. Pontbriand, Town Manager about adopting a Mullins Rule at a future town meeting.

Mr. Nathan King asked for an update on Ayer Solar IIb, revised plans.

Mr. Archambault mentioned that GPR, Inc. is working on a full Site Plan application and plans and the Board should have them in April.

Meeting Adjournment

At 7:55 PM Ms. Julie Murray made a motion to adjourn.

Minutes recorded and submitted by Heather Hampson, Administrative Coordinator

Planning Board Approval April 25, 2023
Date

Planning Board Chairman (Jonathan Kranz)

JZ 4/26/23