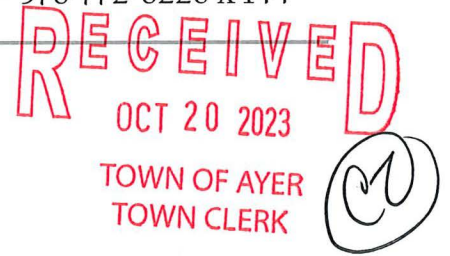




Town of Ayer
Planning Board

Ayer Town Hall – 1 Main Street – Ayer, MA 01432 – 978-772-8220 x 144



Minutes of September 12, 2023 - Ayer Planning Board Meeting

Location: First Floor Meeting Room, Ayer Town Hall, 1 Main Street

Meeting was recorded and then broadcasted on APAC

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

Also Present: Danny Ruiz, 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)

Devens Committee appointment

Chairman Kranz stated that the Board needs to have two members on this Committee and asked for a volunteer to sit on the Committee along with Mr. Tillotson.

Mr. Geof Tillotson mentioned that the Select Board will be looking for a member for the newly formed Senior Center Building Selection Committee and suggested that the member for the Senior Center Committee not be the same as the Devens Committee.

Ms. Murray requested that the Board wait to fill the second seat as she would be interested in sitting on the Devens Committee but wants to ensure that time will allow. Ms. Murray requested that the Board be given time to fill the second seat.

Mr. Tillotson mentioned that he will continue to attend the Devens meetings and appreciates Ms. Murray's comments as the committee will be a long-term investment and there are a lot of committees that require a member of the Planning Board.

The item is tabled to the next meeting.

Continued Public Hearing – Site Plan Review and Stormwater Management Permit, 201-205 West Main Street – DMG Investments

Present: There was no representative present

At 6:23 PM Chairman Kranz made a motion to continue the public hearing for Site Plan Review and Stormwater Management Permit for 201-205 West Main Street. Mr. Ken Diskin seconded. No discussion. Unanimous vote to approve. (3-0-0)

Public Hearing – Mullin’s Rule General Bylaw Recommendation

At 6:25 PM Mr. Geof Tillson made a motion to open a public hearing on the Mullin’s Rule General Bylaw Recommendation for the October 23, 2023, Fall Town Meeting. Ms. Julie Murray seconded. No discussion. Unanimous vote to approve. (5-0-0)

Town Planner, Danny Ruiz, explained to the Board that the hearing this evening is to make a recommendation for the Fall Town Meeting for a General Bylaw adoption of the Mullin’s Rule. Mr. Ruiz explained the Board is not required to hold a public hearing prior to Town Meeting at this is a General Bylaw adoption but wanted to hold one in order to answer any questions the public or Board may have prior to Town Meeting. Under Mass General Law (MGL) Chapter 39 Section 23(d)(a) states that the cities and towns need to adopt the rule in order to have the provision be applicable to the town. The Mullin’s Rule does it allows a member of a board or committee that votes on permits requiring a public hearing to miss a meeting and still vote on the permit given that prior to the meeting that have reviewed all documents, read minutes or reviewed the recording of the missed meeting and sign a document stating they have reviewed all items. With the rule not adopted as it is in the town now, if a member of a board or committee misses a hearing they are not allowed to vote on the application.

Ms. Julie Murray asked a few questions regarding meetings missed for clarity.

Mr. Ruiz stated the rule was created in order to help those board members be able to vote on matters that may take several meetings.

Mr. Nathan King asked a question regarding the rule as it states only one meeting.

Mr. Ruiz stated that the rule only allows for one meeting to be missed at the public hearings.

Chairman Kranz stated that the Board may need to be more careful on the scheduling of public hearings even if the Mullin’s Rule is adopted.

Mr. Ken Diskin mentioned that the wording presented to the Board this evening is how the Mullin’s Rule is written by the state and is not something that the Board has created or reworded. Mr. Diskin asked if the Mullin’s Rule, if adopted at the town meeting will the Board need to wait for the Attorney General’s office to approve the town meeting vote prior to it taking effect.

Mr. Ruiz stated that he was not sure but will get the answer to that.

Chairman Kranz opened the hearing to the public for comment.

Mr. John Ellis, Zoning Board of Appeals member, had a few questions on Mullin’s Rule for clarity on the item.

Mr. Ruiz answered Mr. Ellis’ questions and there was a brief discussion on the comments.

At 6:47 PM Mr. Geof Tillotson made a motion to recommend that the Select Board move to place on the Fall town Meeting warrant an article to adopt the Mullin’s Rule General Bylaw. Mr. Diskin seconded. No discussion. Unanimous vote to approve. (5-0-0)

At 6:49 PM Mr. Geof Tillotson made a motion to close the public hearing for the Mullin's Rule General Bylaw recommendation. Ms. Julie Murray seconded. No discussion. Unanimous vote to approve. (5-0-0)

Board Discussion

Project Updates

Mr. Ruiz gave the Board a brief update on upcoming projects. Mr. Ruiz stated that a site plan will be coming before the Board from National Grid for a grade to the Park Street substation. Mr. Ruiz gave the engineer the public hearing deadline dates.

Mr. Ruiz stated that at the next meeting the Board will have Curley Circle for street acceptance.

Mr. Ruiz mentioned that Shaker Mill Pond is also working on finishing up their project in order to get street acceptance as well. Various other departments are working on a punch list of items needed to be completed prior to street acceptance which will most likely be for spring town meeting.

Mr. Diskin had a few comments regarding the Conservation Restriction for Shaker Mill Pond.

Mr. Ruiz mentioned that Conservation Agent, Heather Hampson, has contacted the attorney for the project and is working to get the Conservation Restriction completed.

Mr. Ruiz stated that 27-29 Harvard Road will not be on for the next meeting but will be on for the October 10th meeting along with Stratton Hill.

Discussion, Updated Site Plan Application

Mr. Ruiz went over the changes he has made to the Site Plan application, which include a pre-application meeting with the planner and the zoning enforcement officer.

The Board had a brief discussion on the changes.

Mr. Ruiz mentioned that applications will be able to be completed fully online and will have drop boxes as part of the application process to help ensure that it is correct.

Chairman Kranz requested that a section be added to the application regarding waiver requests.

Mr. Ruiz stated that he reviewed the Planning Board Rules and Regulations as well as Site Plan Regulations and could not find anything regarding waivers.

There was a brief discussion on where they are located within the Bylaw or Regulations.

The Board and Mr. Ruiz agreed that waivers should be part of the application and have the waiver section moved into the Planning Board Rules and Regulations.

The Board thanked Mr. Ruiz for the revisions.

Discussion, Fee Schedule Review

Chairman Kranz recommended that the Board rely on the Mr. Ruiz for his recommendation on the fees instead of having the Board debate the matter.

Mr. Ruiz stated that for an ANR application raise the fee from \$50 per application and \$50 per lot to \$100 application and \$100 per lot. Preliminary Subdivision \$500 for application fee and \$200 per new buildable lot.

The Board held a brief discussion on the proposed fee schedule for ANR applications and Preliminary Subdivisions.

Mr. Ruiz stated that he would like the Board to review and discuss the fee for a definitive subdivision fee.

The Board had a brief discussion on a recommendation for an increase on the definitive subdivision fee looking at linear feet, and a decreased fee if a preliminary subdivision was approved.

The Board decided to move forward with a fee of \$1,000 plus \$220 per lot with a preliminary plan approval and \$2,000 plus \$500 per lot without preliminary plan approval.

The Board then discussed the fee for a special permit. Mr. Ruiz mentioned that he does not see a need to amend the current fee at this time.

Mr. Ruiz mentioned that the Board does not currently have a fee for modification of a special permit and suggested having a fee for minor and major modifications. The Board discussed a possible fee.

The Board discussed the site plan review fee and possible increases to the fee. The Board discussed having a tiered fee structure for the site plan.

Mr. Nathan King asked where form-based code fees would fall in the fee structure stating that he wants to encourage downtown development and would like to see lower fees to help promote that type of development.

The Board discussed amending the fee for site plan modifications.

Mr. Ruiz will draft a new fee schedule for the Board to review and vote on at the next meeting that will incorporate everything discussed this evening.

Approval of Meeting Minutes from August 8, 2023

At 7:53 PM Mr. Geof Tillotson made a motion to approve the minutes from the August 8, 2023, meeting as presented. Mr. Ken Diskin seconded. No discussion. Vote to approve the minutes 3-2 both Ms. Julie Murray and Geof Tillotson abstained.

Adjourn

At 7:56 PM Mr. Geof Tillotson made a motion to adjourn.

Minutes recorded and submitted by Heather Hampson, Conservation Agent

Planning Board Approval 10/10/2023
Date

Planning Board Chairman (Jonathan Kranz)

