



Town of Ayer
Planning Board

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

RECEIVED
NOV 29 2023

TOWN OF AYER
TOWN CLERK



Minutes of October 10, 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)

Continued Public Hearing – Site Plan Review, Request for a Special Permit for Aquifer Overlay District and Stormwater Management Permit, 201-205 West Main Street – DMG Investments

Present: Thomas Gibbons, Attorney, Drew Garvin, Bohler Engineering and Cian Hamill, DMG Investments, LLC

Attorney Gibbons gave a brief background on the hearing dates and previously granted permits. Attorney Gibbons stated at the first hearing on July 11th the applicant received many comments from other town departments. At the second hearing on August 22nd meeting there was discussion regarding the peer review needed for the project and a brief discussion on the waiver requested for unit size. Attorney Gibbons stated at the meeting this evening the applicant is hoping to get a discussion on the waivers requested for unit size and affordable unit ratio. Attorney Gibbons stated that Section 10.2.3C of the Ayer Zoning Bylaw allows the Board to grant a variance for the unit size.

Attorney Gibbons went over the unit size breakdown for each of the 170 proposed units that do not meet the town's Zoning Bylaw. Out of the 170 units, 21 studio units, 125 one-bedroom and 25 two-bedroom units do not meet the Bylaw but do meet the State requirement for dwelling size.

Building Commissioner/Zoning Enforcement Officer, Charlie Shultz, had some comments for the Board regarding the request for the unit size relief. Mr. Shultz stated that it is his opinion that the development should meet the zoning requirements voted in by the Town during town meeting for the Form Based Code Zoning District and the Planning Board should not be allowed to waive those requirements especially for over 50% of a proposed development.

Chairman Kranz stated that he would like the focus of this evening and discussion from the Board to focus on the waiver for unit size. Chairman Kranz stated that he does not feel comfortable voting to

allow such a larger waiver for this project, mentioning that 69% of the units are do not meet the current Bylaw.

Mr. Ken Diskin also commented on the percentage of units that will need a waiver and did not agree with allowing the Board to grant a wavier.

Chairman Kranz mentioned to Attorney Gibbons that based on the Board members comments this evening, the Board will not vote on the waiver for the reduction of dwelling unit size. Chairman Kranz informed Attorney Gibbons that the applicant should amend the plans to meet the current zoning.

Attorney Gibbons requested a brief recess so that he can speak with his client, the applicant, on how they would like to proceed given the Board's decision to not vote on the waiver request.

Attorney Gibbons returned to the meeting and requested a continuance to the next meeting on October 24th, to allow his client an opportunity to decide if they will withdraw their application or amend the plans.

At 7:05 PM Mr. Geof Tillotson 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 – Site Plan Review and Request for a Special Permit for 27 & 29 Harvard Road – 29 Harvard Road, LLC

Present: Cal Goldsmith, GPR, inc. and Attorney Thomas Gibbons

At 7:07 PM Mr. Geof Tillotson made a motion to open the Public Hearing for Site Plan Review and Special Permit request for 27 and 29 Harvard Road. Ms. Julie Murray seconded. No discussion. Unanimous vote to approve. (5-0-0)

Mr. Cal Goldsmith, Engineer from GPR, INC. stated that he is before the Board on behalf of his client Ted Maxant, owner of the property at 27 and 29 Harvard Road, for a Site Plan Review and Special Permit for the operations of two businesses within an existing building. The first business is a self-service honey retailer known as Ted's Honey Hut. The second business is Flagg Welding which is a welding/manufacturing single-employee company that does most of their work off site. The third use of the property will be a commercial parking/storage area on a previously paved area in the back of the property. Mr. Goldsmith stated that these businesses will not require any changes to the existing building or pavement on site. There will be a change to the parking on the property; the designated parking spaces will be marked with wheel stops.

Mr. Danny Ruiz stated that there were still a few outstanding items not in the Site Plan application that need to be addressed before a decision can be voted on. Mr. Ruiz stated that there is no business certificate for the commercial parking area, and one will need to be filed with the Building Commissioner. Mr. Ruiz also commented that the gravel parking area is within the 200-foot river front buffer zone expressing concern that the river behind the property does lead into one of the town aquifer areas and the Conservation Commission may need to review and permit the parking area.

There was a brief discussion on the parking area and its location within the 200-foot river front area. The Conservation Agent, Ms. Heather Hampson, expressed concern with the storage of vehicles within the

area and stated that there has been no prior approval to allow vehicles to be stored in the area from the Conservation Commission.

Mr. Ruiz mentioned that the site is large enough and that the vehicle storage area could be moved outside of the 200-buffer.

There was a brief discussion regarding the commercial parking area on site and ways to improve it on site.

Mr. Ruiz reiterated the items that were still needed as part of the Site Plan application including the status of the business certificate for all three business on site.

At 7:59 PM Mr. Geof Tillotson made a motion to continue the Public Hearing for 27 & 29 Harvard Road, LLC to the next Planning Board meeting on October 24, 2023. Ms. Julie Murray seconded. No discussion. Unanimous vote to approve. (5-0-0)

Public Hearing – Definitive Subdivision and Open Space Residential Development Plan, Off Wright Road – Fox Meadow Realty Co.

Present: There was no representative for the applicant present at the time of the meeting.

At 7:58 PM Chairman Kranz read aloud the public hearing notice into the record.

At 8:00 PM Mr. Geof Tillotson made a motion to open the public hearing for the Definitive Subdivision and Open Space Residential Development Plan for the project known as Stratton Hill off Wright Road. Chairman Kranz seconded. No discussion. Unanimous vote to approve. (5-0-0)

Town Planner, Danny Ruiz, stated that the applicant has requested a continuance to the next Planning Board meeting on October 24, 2023.

At 8:02 PM Mr. Geof Tillotson read aloud the letter dated October 10, 2023, requesting the hearing be continued to the next meeting and granting an extension for decision till November 24, 2023.

The Board held a brief discussion regarding the peer review and their comments.

At 8:05 PM Mr. Geof Tillotson made a motion to continue the public hearing for the Definitive Subdivision and Open Space Residential Development Plan for the project known as Stratton Hill off Wright Road to the next Planning Board meeting on October 24, 2023. 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 the street acceptance request for Curley Circle. Mr. Ruiz stated he spoke to Department of Public Works Superintendent, Dan Van Schalkwyk regarding the remaining punch list items. There are still a few outstanding items that will be completed after Town Meeting including street sign and street lighting. There will be an agreement between the developer and the Town to complete the items along with a bond amount held to ensure the items are completed so the street acceptance can move forward.

Approval of Meeting Minutes from September 12, 2023

At 8:08 PM Mr. Geof Tillotson made a motion to approve the minutes as corrected. Mr. Nathan King seconded. No discussion. Unanimous vote to approve. (5-0-0)

Approval of Meeting Minutes from September 26, 2023

8:08 PM Mr. Geof Tillotson made a motion to approve the minutes from the September 26, 2023, meeting as corrected. Mr. Ken Diskin seconded. No discussion. Unanimous vote to approve. (5-0-0)

Adjourn

At 8:09 PM Mr. Geof Tillotson made a motion to adjourn. Ms. Julie Murray seconded.

Minutes recorded and submitted by Heather Hampson, Conservation Agent

Planning Board Approval

Date

11/28/23

Planning Board Chairman (Jonathan Kranz)


