



Town of Ayer  
**Planning Board**

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

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TOWN OF AYER  
TOWN CLERK

**Minutes of July 11, 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; and Nathan King

**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. Mr. Nathan King seconded. No discussion. Unanimous vote to approve. (4-0-0)**

**Easy Street HOA**

Chairman Kranz stated that the Board received a request from the Easy Street Homeowners Association to vote to dissolve the Association. Chairman Kranz mentioned that since the Board was unable to receive guidance from Town Council for this meeting on the request it item will be tabled to the next meeting.

**At 6:17 PM Mr. Ken Diskin recused himself from the meeting.**

**Continued Public Hearing - Site Plan Modification Ayer Solar II**

*Present: Nick Pauling and LimHout Tiv, Engineers from GPR, Inc.; Attorney Adam Costa and Rohit Garg property owner.*

**At 6:16 PM Chairman Kranz made a motion to open the continued Public Hearing for Site Plan Modification for Ayer Solar II located at 0 Washington Street. Mr. Nathan King seconded. No discussion. Unanimous vote to approve. (3-0-0)**

Chairman Kranz went over the items from the last meeting stating Mr. Cal Goldsmith from GPR, Inc. was going to draft the discussion for the Board to review in the absence of a Town Planner.

Attorney Adam Costa stated that he worked on the draft site plan approval along with Mr. Cal Goldsmith from GPR and used the previous approvals as a template. Attorney Costa stated that he did add findings as well as conditions to the draft approval, which the newly appointed Town Planner, Danny Ruiz reviewed and added two conditions.

The Board had a brief discussion regarding the conditions and thanked Attorney Costa for the draft conditions as the Board is still currently working without a full-time planner.

**At 6:28 PM Mr. Geof Tillotson made a motion to issue a modified site plan for Ayer Solar II with findings and conditions as discussed. Mr. Nathan King seconded. No discussion. Unanimous vote to approve. (3-0)**

**At 6:30 PM Mr. Geof Tillotson made a motion to close the public hearing for Site Plan Modification for Ayer Solar II, 0 Washington Street. Mr. Nathan King seconded. No discussion. Unanimous vote to approve. (3-0)**

At 6:31 PM Mr. Diskin returned to the meeting

**Public Hearing – Site Plan, Special Permit and Stormwater Management Permit, 201-205 West Main Street DMG Investments LLC**

*Present: Attorney Thomas Gibbons, Drew Garvin, Bohler Engineering, Cian Hamill, DMG Investments and Darryl Filippi, Bergmeyer*

**At 6:32 PM Mr. Ken Diskin made a motion to accept the application and plan for 201-205 West Main Street for Site Plan and Stormwater Management Permit for consideration. Mr. Geof Tillotson seconded. No discussion. Unanimous vote to approve. (4-0-0)**

**At 6:33 PM Mr. Geof Tillotson made a motion to open the public hearing for the Site Plan Review and Stormwater Management permit for 201-205 West Main Street, DMG Investment, LLC mixed use project. Mr. Nathan King seconded. No discussion. Unanimous vote to approve. (4-0-0)**

**At 6:34 PM Chairman Kranz read aloud the public hearing notice as it appeared in the Nashoba Valley Voice.**

Attorney Thomas Gibbons mentioned that the group is before the Board this evening for a Site Plan approval for a mixed-use development with two commercial units on the first floor and 170 residential units on the upper levels, as well as a stormwater management permit. Attorney Gibbons introduced the team from DMG Investments and Bohler Engineering to the Board. Attorney Gibbons went on to give a brief background on the project stating that they received two variances from the ZBA for building height and width back in April. Attorney Gibbons then turned the presentation over to Mr. Drew Garvin from Bohler Engineering.

Mr. Drew Garvin shared with the Board and all those present at the meeting the overall site plan for the proposed mixed-use development. The project sits on two different parcels at 201 and 205 West Main Street. Mr. Garvin gave a brief description of the existing site conditions before giving more details on the proposed project. The project includes two commercial spaces on the first floor and 170 residential units on floors 2 – 4. The project is proposing 172 parking spaces with emergency vehicle parking and a emergency access road. The access road will be constructed with porous pavers and will be located on the right side of the property outside of the covered parking area. There is a subsurface stormwater system proposed for the project that will be located under the parking area. The property is located within the aquifer protection district as well as within the flood plain with wetlands in the back corner. An application has been filed with the Conservation Commission and the hearing will open on Thursday July 13<sup>th</sup>.

Mr. Garvin stated that the team had met with several departments prior to submission of the project, which led to the addition of the emergency access drive and reserved parking. Mr. Garvin mentioned the trash will be located within the building on the ground floor facing the parking area so that a truck can come, and went over some of the comments that had been received by different Town Departments including questions on trash location and snow removal. Mr. Garvin informed the Board that there is a designated trash room on the ground floor of the building along with utility rooms and bike parking. There will be a small amount of snow storage on site and the details for snow removal and de-icing are listed in the Operations and Maintenance Plan.

Mr. Darryl Filippi, Architect from Bergmeyer went over the details of the design and look of the building for the Board members. Mr. Filippi mentioned to the Board that they received two variances from the ZBA for building height and width. The proposed building will use a mixture of materials which will break up the commercial space from the residential. The commercial space on the ground floor is designed to have seating along the front of the building. The residential units will have a separate entrance from the commercial area.

The Board had a few questions in regard to the parking waiver requested by the applicant.

Mr. Cian Hamill from DMG Investments went over the proposed plan for the parking of the property. Mr. Hamill stated that resident parking at the site will be guaranteed and allowed by fee. Mr. Hamill stated that anyone who rents an apartment at the property will need to rent a parking space and each unit will only be allowed one space, as stipulated in their leases.

Chairman Kranz opened the meeting to the various Town Departments that were present to the meeting, starting with the Department of Public Works.

Mr. Matt Hernon, Town Engineer Department of Public Works, stated that he had a variety of comments and concerns with the proposed project, including the request of a parking waiver to reduce the number of spaces to just 172. Mr. Hernon expressed concern for the residents that may live in the units along with the employees and patrons for the commercial spaces stating that with 170 residential units and 2 commercial spaces 172 spaces is not enough. Mr. Hernon next comment was regarding the water usage for the property. Mr. Hernon stated that the DPW can not complete their comments on the property without water and sewer usage amounts.

Mr. Garvin stated that they will provide a draft of the projected water usage and sewer flow rates for the project.

Fire Chief Johnston was next to give his comments to the Board regarding the project. Chief Johnston stated that his biggest concern for the project was the single access point for the entire property. Chief Johnston mentioned that in an emergency if the access point is blocked there is no way for emergency vehicles to access the property.

Police Chief Gill comments were the same as Chief Johnston and Mr. Hernon. Chief Gill expressed public safety concerns with the limited parking and access to the property. Chief Gill stated that the parking study provided as part of the application was based on cities close to Boston and with public transportation. Chief Gill stated that he would like to see a parking study completed using a town more similar to Ayer.

Chairman Kranz asked for comments from Community Development office regarding the affordable units that are proposed as part of the development.

Ms. Alicia Hersey, Program Manager, Community Development, went over the requirements for the affordable housing units in the proposed development as they are listed within the Zoning Bylaw. Ms. Hersey stated that the Bylaw requires 1 in 5 units to be affordable, and the units need to be managed to ensure that applicants meet the income requirements, that the affordable units are distributed throughout the development, and must represent a mix of unit types. Ms. Hersey explained to the Board the procedure for the affordable units and stated that she has also spoken with Mr. Hamill about the process which also includes a fair housing production plan for the project.

Chairman Kranz called Town Manager, Robert Pontbriand, to give his comments on the project as the final Town Department for the evening.

Mr. Robert Pontbriand, stated that he agreed with the other town departments that spoke before him. There is a lot of concern with the parking proposed with the project as well as safety concerns with the limited access to the property.

Chairman Kranz opened the meeting to the Board members for comments.

Mr. Ken Diskin had several comments regarding the project. Mr. Diskin stated that the plans did not seem to meet the 750 square foot minimum unit size requirement as stated within the Zoning Bylaw and requested that the applicant review the current Bylaw for compliance.

Chairman Kranz opened the meeting to the public for comments and questions.

Mr. Todd Johnson, 193 West Main Street, expressed concerns regarding the project as the closest abutter to the property. Mr. Johnson has concerns about the building height, closeness of the emergency access road to his property and the limited parking requested.

**At 9:01 PM Mr. Geof Tillotson made a motion to continue the public hearing for Site Plan review and Stormwater Management Permit for DMG Investments, 201-205 West Main Street to the August 8, 2023, Planning Board meeting. Mr. Nathan King seconded. No discussion. Unanimous vote to approve. (4-0-0)**

**Adjourn**

**At 9:02 PM Chairman Kranz made a motion to adjourn the meeting.**

Minutes recorded and submitted by Heather Hampson, Conservation Agent

Planning Board Approval

November 14, 2023  
Date

Planning Board Chairman (Jonathan Kranz)

