



PLANNING BOARD

Town of Ayer

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Approved 7/23/2019

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TOWN OF AYER

Donna Copling

Minutes of July 9, 2019 - Ayer Planning Board Meeting

Location: First Floor Meeting Room, Ayer Town Hall

Meeting was recorded by APAC

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

Also Present: Mark Archambault, Town Planner

Chairman Tillotson called the meeting to order at 6:15 PM.

General Business

Approve the Agenda

At 6:15 PM Mr. Jonathan Kranz made a motion to approve the agenda as presented. Ms. Julie Murray seconded. Chairman Tillotson requested meeting minutes from the June 25, 2019 meeting be tabled to the next meeting. Mr. Jonathan Kranz requested a discussion be added to the agenda regarding his discussion about the Master Plan. Chairman Tillotson stated that the Master Plan discussion can be done under new business. Unanimous vote to approve the agenda as amended. (4-0-0).

Approve Meeting minutes from 6/11/2019

The Board reviewed the meeting minutes from June 11, 2019 and made several grammatical corrections.

At 6:23 PM Mr. Jonathan Kranz made a motion to approve the minutes June 11, 2019 meeting as amended. Ms. Julie Murray seconded. No discussion. Unanimous vote to approve. (4-0-0)

Continued Public Hearing, Proposed Definitive Subdivision 54 and 56 Littleton Road 20 lots

Present: Cal Goldsmith and Limhuot Tiv, Engineers at Goldsmith Priest and Ringwall and several area residents

Mr. Mark Archambault stated that Building Commission, Charlie Shultz is present for the meeting in order to give his comments on the project.

Mr. Archambault went on to review with the Board the items that they need to discuss at the meeting this evening including DPW and Town Counsel comment, need for peer review and traffic study. Mr. Archambault stated that based on the Gage Cannabis traffic study MassDOT does not see a need for an additional traffic study with the proposed subdivisions planned for area. Mr. Archambault stated that a peer review of the stormwater and hydrology in the area is requested and will be shared with the Conservation Commission and will discuss the draft scope and time later in the meeting.

Mr. Archambault stated that legal opinion from Town Counsel has been received regarding the need for site plan approval for the project as well as amount of open space required per lot and the projects applicability to Ayer Zoning Bylaw Sections 5.1 and 10.1.1.

Lastly Mr. Archambault stated that an extension to the August 8th deadline for decision from the Board is needed. Mr. Archambault suggested that the Board request an extension to the second meeting in August.

Mr. Charlie Shultz, Building Commission, first apologized to the Board for not submitting his comments to them prior to the meeting and in writing.

Mr. Shultz started his review with the waivers that were requested. Mr. Shultz did not approve of granting any of the waivers as requested and expressed concerns with snow plowing and snow storage on the site.

Mr. Shultz went on to discuss the applicability of Ayer Zoning Bylaw Section 10.1.2.B, stating that since the subdivision shows more than one shared driveway a special permit is needed. Mr. Shultz went on to state the intent of common driveways is for safety and wetlands concerns not for density in an development that is why they are restricted in the bylaw without a special permit.

Mr. Shultz addressed Ayer Zoning Bylaw 9.6.B stating that the project is not exempt from this Section.

Chairman Tillotson stated that the road has been changed to a crown road and should address all concerns.

Mr. Shultz mentioned that roof runoff will need to be addressed as stone around foundations is not allowed by code and grading sloped away from the foundations is required.

Chairman Tillotson stated that most of the houses will be slabs on grade.

Mr. Shultz expressed his personal opinion on the proposed subdivision stating that it does not meet with the ideas of open space subdivision and does not fit with the culture of the town.

Chairman Tillotson went over all Mr. Shultz comments on the proposed subdivision to ensure the Board understands and received them all correctly and thanked him for his time this evening.

Chairman Tillotson addressed the comments from MassDOT in regards to the need for a traffic study. Chairman Tillotson stated that he was happy to hear from MassDOT that proposed subdivision do not impact the area enough for a study.

Mr. Archambault stated that the Board has the right to request a traffic study if they want.

Mr. Archambault handed out the proposed scope of work for the stormwater and hydrological peer review.

Chairman Tillotson asked if the Conservation Agent reviewed the scope as well.

Mr. Archambault stated that the scope was drafted after the last meeting with the help of Dan Van Schalkwyk and will be going to the Conservation Commission to review during their meeting this Thursday.

The Board went over the scope and discussed the items.

Mr. Diskin stated that review of Ayer Zoning Bylaw Sections 10.1 and 9.6 are not needed. Mr. Diskin also stated that he would be ok with the wetland line being delineated if the Conservation Commission requested as well as review of the project for the Wetlands Protection Act and Stormwater review.

Mr. Goldsmith requested that the peer review consultant be allowed to call him directly to answer and resolve any minor concerns outside of a meeting to move the review forward.

Chairman Tillotson agreed and requested that both Mr. Archambault and Ms. Jo-Anne Crystoff, Conservation Administrator also be involved as well with the peer review consultant.

Chairman Tillotson asked about dewatering for the project.

Mr. Archambault stated that dewatering will be done on site as discussed at a previous meeting.

Mr. Diskin stated that the revised plan will show dewatering location and details.

Mr. Goldsmith stated that the contractor will decide how dewatering is done on site.

Mr. Diskin commented on the Stormwater Management section and requested that the language be changed from intended to as designed per plan.

The Board discussed the last built item in the proposed scope of work under groundwater / hydrology on site and added the words in compliance with Mass DEP Stormwater Management Standards.

Chairman Tillotson asked if Mr. Goldsmith had any comment on the proposed scope of work.

Mr. Goldsmith did not.

Mr. Diskin asked Mr. Archambault if a vote was needed on the scope.

Mr. Archambault stated that a vote is needed to allow him to move forward in hiring a consultant.

Mr. Goldsmith asked if there was a timeline for the review.

Mr. Archambault stated that he has a list of consultants to call and send the scope to and is hoping to have a report back once a consultant is hired in about three weeks.

At 7:05 PM Mr. Jonathan Kranz made a motion to direct the Town Planner with the assistance of the Conservation Administrator to revise the scope of work as discussed and finalize to send and hire a consultant for the peer review of the proposed project. Mr. Ken Diskin seconded. No discussion Unanimous vote to approve. (4-0-0)

Chairman Tillotson stated that Town Counsel agrees with the Planning Board that both Sections 10.1 and 9.6 of the Ayer Zoning Bylaw apply to the proposed project.

Mr. Goldsmith stated that he has issues with Town Counsel's opinion stating that in their answer to the Board regarding Section 10.1 of the Bylaw they contradict themselves. Mr. Goldsmith stated that Mr. Archambault had stated that there are some conflicts in the Bylaw, but feels if it is not in the requirements then you should be allowed to move forward. Mr. Goldsmith stated that if you follow the opinion of Town Counsel as stated then all items in the Bylaw apply.

Mr. Diskin stated that the Board did not ask about all items in the Bylaw only Section 10.1 and 9.6.

Mr. Goldsmith stated that the Bylaw is not clear and does not express how this section applies. Mr. Goldsmith stated that he had his own counsel review the Town Counsel opinion and Bylaw and they agree it does not apply and is a by right use.

Mr. Goldsmith stated that he took Mr. Diskin and Mr. Kranz's suggestion from the last meeting to pull out the wet basin from the buffer zone and did remove lot 16 and expanded lot 17. Mr. Goldsmith stated that some uplands were found on the site that were not being used and were able to move items further out of the buffer zone.

Mr. Goldsmith showed the Board a concept plan with the two, lots 16 and 17 altered to remove one lot and expand the other, and the wet basin moved further out from the buffer zone. Mr. Goldsmith also added a table to the drawings showing the Board the amount of open space per lot complains with the 60% requirement.

Mr. Goldsmith stated that there are three common driveways to allow for more traditional neighborhood design. The redesign addresses Conservation Commission and Planning Board concerns, and the redesign shows 19 lots instead of 20 lots.

Mr. Diskin stated that Town Counsel agreed with the Board and Section 9.6 of the Ayer Zoning Bylaw does apply and a Site Plan Review is needed for the land clearing.

Mr. Goldsmith stated that his firm can get the application together for the Board.

Mr. Archambault stated that a narrative is needed as part of the application detailing the clearing on site along with revised plans.

Mr. Goldsmith requested that the Site Plan Review fees be waived.

Mr. Archambault and the Board agreed that would be fine.

Mr. Diskin stated that he is happy with the comments from Town Counsel and the revisions that have been made to the project so far.

Mr. Kranz stated that Mr. Diskin and he went to speak to the Post Master regarding the proposed project and he stated that individual mailboxes are not allowed anymore and requested a communal mailbox be placed on the site.

Mr. Goldsmith stated that a mailbox can be placed at the cul-de-sac as to not have people stopped on or near Littleton Road to get their mail and will add location to the plans. Mr. Goldsmith stated that they will work on location for snow storage as well.

Mr. Diskin requested that the sidewalk be changed around the cul-de-sac to be full length along the west side of the proposed road way. This would end the sidewalk facing downtown.

Mr. Goldsmith agreed.

Mr. Diskin stated that the Board has not heard anything from DPW in regards to the revisions made to the plans.

Mr. Goldsmith stated that he has not completed revised plans at this time but will be in contact with Mark Wetzel at the DPW to review all the changes made.

The Board reviewed the concept plan with Mr. Goldsmith and Mr. Limhout Tiv.

Mr. Diskin asked about the length of the common driveways.

Mr. Tiv stated that the common driveways will not exceed the 150 feet so no turnout will be needed.

Mr. Goldsmith stated that basements will be placed where grading allows.

Chairman Tillotson asked if Mr. Goldsmith would allow for an extension on the Definitive Subdivision for 54 and 56 Littleton Road till August 27th.

Mr. Goldsmith agreed and drafted a letter stating the extension until August 27, 2019.

At 7:57 PM Mr. Jonathan Kranz made a motion to continue the hearing for the Definitive Subdivision at 54 and 56 Littleton Road to the next Planning Board meeting on July 23rd. Ms. Julie Murray seconded. No discussion. Unanimous vote to approve. (4-0-0)

Discussion, Draft Subdivision Regulations

Mr. Archambault stated that he is still waiting to hear from Mark Wetzel from the DPW on any comments on the draft Subdivision Regulation. Mr. Archambault suggested that while they are waiting for Mr. Wetzel's comments that the draft regulations be sent to Town Counsel for review.

Mr. Diskin stated that he does not want to see Town Counsel review the regulations prior to the Board's review.

Mr. Diskin suggested that the Board look at Sections 4, 6 and 7 and discuss any comments at the next meeting.

Review and Discussion New Zoning Map

Mr. Archambault handed out new copies of the draft Zoning Map which include the new Downtown Form Based Code as well as revised the aquifer protection areas and signature block.

Chairman Tillotson asked what the Boards next step would be on approving the Zoning Map.

Mr. Archambault stated that he can have a full size map ready for the Board to sign at the next meeting.

Town Planner Update

Mr. Archambault stated that he has some work to do to update the Open Space Residential Subdivision regulations that he has started in order to have ready for fall town meeting.

Mr. Archambault stated that he would like to do the update similar to the subdivision regulations with Mr. Diskin, Mr. Kranz and Mr. Dan Van Schalkwyk town engineer.

Discussion, Master Plan Update

Mr. Jonathan Kranz stated that he meet with Mark, Alan and Robert Pontbriand, Town Manager last week regarding the Master Plan.

Mr. Kranz stated that Mr. Pontbriand thought it was a good idea for the Board to discuss and take a look at the Master Plan for several reasons. Mr. Kranz asked for permission from the Board to draft a rough plan process for reviewing the Master Plan and all the items the Board is responsible for.

Mr. Kranz stated that he will bring this draft to the Board after they have reviewed the Subdivision Regulations.

Old Business

Mr. Diskin suggested that the Board make a site visit to the proposed subdivision at 54 and 56 Littleton Road.

Chairman Tillotson asked Mr. Archambault to try and set up a day for a site visit to Littleton Road outside a meeting if possible.

Mr. Diskin suggested that the Board also make a site visit to 28 Harvard Road to see the progression of on the construction site, and requested Mr. Archambault set up the meeting.

Mr. Archambault stated there was a preconstruction meeting with the contractor and town departments, and have all the contact information to set up a site visit.

Meeting Adjournment

At 8:35 PM Mr. Jonathan Kranz made a motion to adjourn the meeting. Ms. Julie Murray seconded. No discussion. Unanimous vote to approve. (4-0-0)

Minutes recorded and submitted by Heather Hampson, Administrative Coordinator

Approved 7/23/2019

Planning Board Approval 7/23/19
Date

Planning Board Vice-Chairman (Ken Diskin)

Ken Diskin

