



PLANNING BOARD

Town of Ayer

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TOWN OF AYER
TOWN CLERK

Anna Copeland

Minutes of September 24, 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; Jonathan Kranz, Clerk; Julie M. Murray, and Nathan King

Also Present: Mark Archambault, Town Planner

Chairmen 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. Mr. Ken Diskin seconded.

Discussion: Chairman Tillotson requested that the minutes be taken at the end of the meeting.

Unanimous vote to approve the agenda with the amendment. (5-0-0).

Review, ANR Plan Trevor Trail 2 Lots, CJ Moore

Present: Nick Pauling, GPR, Inc. Representative

Mr. Nick Pauling stated that the proposed ANR plan is for 2 properties at the end of the Riley Jane Farm subdivision on Trevor Trail, Lot 12 and 13. Mr. Pauling stated that the ANR will take portions of existing lots 12 and 13 and give them to adjacent lot 10. Mr. Pauling stated the wetlands located on Lots 12 and 13 are part of a large wetland system that was impacted by the oil spill at the high school last year.

Mr. Diskin asked if Lot 10 was impacted by the oil spill.

Mr. Pauling stated that he was not sure if Lot 10 was impacted.

At 6:26 PM Mr. Jonathan Kranz made a motion to endorse the ANR Plan as presented and as shown in the plan dated September 17, 2019 as recommended in the staff report dated September 20, 2019.

Mr. Nathan King seconded. No discussion. Vote 4-1, Mr. Ken Diskin abstained.

Public Hearing, Proposed Definitive Subdivision Off Shaker Road, 23 Lots, Daniel and Joel Aho

Chairman Tillotson stated that the representative for the applicant, John Boardman has requested a continuance to the next meeting on October 8th.

At 6:30 PM Mr. Jonathan Kranz made a motion to continue the hearing for the proposed definitive subdivision off Shaker Road to the meeting on October 8th. Mr. Ken Diskin seconded. No discussion. Unanimous vote to approve. (5-0-0)

Continued Public Hearing, Proposed Definitive Subdivision 54 and 56 Littleton Road 19 lots

Present: Limhuot Tiv and Nick Pauling from GPR, Inc.

Mr. Nick Pauling stated that both the Subdivision plan and the Site plans have not had any revisions since the last meeting on September 10th. Mr. Pauling went over the changes made to the plans for those that were not present at the last meeting.

Since the last meeting, BSC Group, the consultant for the Planning Board, has submitted a letter with six comments that were outstanding from the original plans. Mr. Pauling addressed the outstanding comment regarding the request for additional soil testing in the proposed Attenuations Area. Mr. Pauling stated that the wetland system that the stormwater will flow into is part of the wetlands at the bottom of Pingry Hill subdivision and stated that he feels they are meeting the standards.

Mr. Archambault stated that last week he had a meeting at with Mark Wetzel, Superintendent of the Department of Public Works and the consultant from BSC Group to go over the outstanding items with them. Mr. Archambault stated that the Board needs to make a decision on the proposed subdivision and site plan. Mr. Archambault stated that he drafted some conditions for the subdivision and consulted with other planners on the approval as well. Mr. Archambault stated that many of the conditions are tied to the Board endorsing the plans and in the future the Board will need to develop a process for the deeding of the Open Space on all OSRD plans.

Mr. Archambault went over the draft decision and conditions with the Board.

Mr. Jonathan Kranz asked for some clarity on the approval process.

Mr. Archambault explained to the Board the approval process of a definitive subdivision including the decision, appeal period and endorsing of the subdivision plans. Mr. Archambault also recommend he, the applicant, Conservation Administrator and the Town Manager meet regarding who will take the Open Space.

Chairman Tillotson asked Mr. Pauling if he had seen the draft conditions and if he had any questions.

Mr. Pauling stated that the project was designed to have the Town take the open space and hold the Conservation Restriction. At this time there has been no formal communication stating that the Town will or will not take the open space only a conversation with the Conservation Administrator, that has not been formalized in writing, stating that she will recommend that the town not take it.

Chairman Tillotson stated that the Planning Board does not have the purview to tell any town department to take possession of the open space.

Mr. Pauling stated that since the OSRD is allowed by right the Planning Board should have some process for the open space.

Mr. Pauling went over some of the other conditions that he had some concerns with including the Conservation Commissions Order of Conditions in the subdivision approval. Regarding the turn sweep. Mr. Pauling believes the issue has been addressed with the Fire Department and he feels it should be removed as a condition.

Mr. Pauling stated that he has a concern with the condition to evaluate the impact of peak discharge in 100-year rain events and the impacts to the neighboring properties.

Mr. Nathan King asked if the easement to the Stormwater basins has been resolved.

Mr. Pauling stated that it had been the easement will be located between two lots and maintenance had also been discussed.

Mr. Diskin asked about the paving of the road being added into the conditions.

Mr. Pauling stated that the road will not be accepted by the Town without final paving.

Mr. Archambault suggested that the Board come back on October 8th with the final draft conditions to be voted and signed.

Mr. Diskin asked to have the escrow added to the conditions for the maintenance of the stormwater after the road is accepted, as discussed at the last meeting with Mr. Wetzel.

Mr. Pauling asked if the town would be looking for five or ten years worth in the escrow account for the stormwater maintenance.

Mr. Diskin stated he would like to see ten years.

Mr. Archambault stated that he can try and meet with Mr. Wetzel when he returns on the October 7th to finalize the language for the escrow account and bonding.

Chairman Tillotson asked if BSC Groups comment regarding the 100-year event is required.

Mr. Pauling stated that if the 100 year shows an increase, further analysis is needed. Mr. Pauling stated that the pre- and post-construction studies of the 100 year event showed a slight increase over a watershed that is square miles in size. Mr. Pauling stated that with the size of the watershed and the amount of increase the impact would be minimal.

Chairman Tillotson suggested the Mr. Pauling contact the Town Engineer, Dan Van Schalkwyk his opinion on the increase and impact.

Mr. Diskin asked if the decision needs to be signed this evening or if there was time to work out the wording.

Mr. Pauling stated that the wording needs to be worked out and will grant an extension to October 10th.

Mr. Archambault stated that the Board needs to make a motion to vote on the approval of the subdivision and the Site Plan pending the conditions that will be signed at the next meeting.

At 7:49 PM Mr. Ken Diskin made a motion to approve the Definitive Subdivision Plans and associated documents for 19 lots on the property owned by LR Properties for land located on Littleton Road and shown on Map 36 Parcels 3, 21, 22 and 24 including waivers as previously voted upon by the Board and including further delineation of the decision and conditions as shown in draft dated September 24, 2019 to be discussed by the Town Planner, Planning Board, Applicant and Department of Public Works. Mr. Jonathan Kranz seconded. No discussion. Unanimous vote to approve. (5-0-0)

Review, Site Plan 54 and 56 Littleton Road

Present: Limhuot Tiv and Nick Pauling from GPR, Inc.

Mr. Archambault stated that some of the conditions in the subdivision approval will also appear in the Site Plan approval along with the standard general conditions.

At 7:53 PM Chairman Tillotson made a motion to approve the Site Plan as required under Section 9.6 for Land Clearing on land on Littleton Road as shown on the plans dated September 4, 2019 and supporting documents. Mr. Jonathan Kranz seconded. No discussion. Unanimous vote to approve. (5-0-0)

At 7:54 PM Ms. Julie Murray made a motion to close the public hearing for the Proposed Definitive Subdivision 54 and 56 Littleton Road. Mr. Jonathan Kranz seconded. No discussion. Unanimous vote to approve. (5-0-0)

The Board took a five-minute recess at 7:55 PM

At 7:58 PM the Board reopened the meeting.

Continued Public Hearing Proposed Zoning Bylaw Amendments for October 28 Special Town Meeting- Sections 10.1, addition of accessory apartments and Section 10.3

Section 10.1

Mr. Mark Archambault gave the Board a brief overview of the proposed changes to Section 10.1 which will add the requirement for a yield plan to all Open Space Residential Development applications. Mr. Archambault went over the proposed changes to the Bylaw as well as Town Council's review of the proposed changes.

Mr. Archambault stated that the Board needs to vote to approve the proposed changes and forward the items to the Selectmen to be added to the Town Meeting Warrant.

At 8:03 PM Mr. Ken Diskin made a motion to accept the proposed changes to Section 10.1 of the Ayer Zoning Bylaw as amended in the September 10, 2019 draft, and send it to the Selectmen to be added to the Warrant for Fall Town Meeting on October 28, 2019. Mr. Nathan King seconded.

Discussion:

Mr. Diskin asked if there had been any changes since the September 10th draft that the Board has this evening.

Mr. Archambault stated that the word immediately has been removed and suggested the Board amend the motion to reflect the change referencing the draft at tonight's meeting.

At 8:06 PM Mr. Ken Diskin amended his original motion to request that the changes discussed at the meeting this evening. September 24, 2019 be forwarded to the Board of Selectman as part of the proposed changes to Section 10.1 of the Ayer Zoning Bylaw for addition to the Warrant for Special Town Meeting on October 28, 2019. Mr. Jonathan Kranz seconded. No discussion Unanimous vote to approve. (5-0-0)

Accessory Apartments

Mr. Archambault read through Town Council's amendments to the proposed Bylaw.

At 8:06 PM Mr. Jonathan Kranz made a motion accept the changes to the Accessory Apartment proposed Bylaw as written by Town Council and forward the article to the Board of Selectmen to be added to the Warrant for Special Town Meeting on October 28, 2019. Ms. Julie Murray seconded.

Discussion:

Mr. Ken Diskin mentioned that he had some concerns with the wording in Section C.4 of the proposed Accessory Apartment Bylaw regarding the maximum square footage of the accessory apartment being 750 square feet for 25 percent of the gross floor area.

Chairman Tillotson stated that he felt that people should be able to use more than 750 square feet for an accessory apartment.

Mr. Diskin stated that he would like to see the word minimum used instead of maximum.

The Board read through Section C.4 several times.

Chairman Tillotson suggested that the section read "the gross floor area of the accessory apartment shall not exceed twenty-five (25) percent of the gross floor area of the existing dwelling to a maximum of 750 sq. ft."

The Board agreed on the change of wording to the section.

At 8:29 PM Ms. Julie Murray made a motion amend the original motion to include the changes as discussed to the proposed Accessory Apartment Bylaw article and to forward the article as amended to the Board of Selectmen to be added to the Warrant for Special Town Meeting on October 28, 2019. Mr. Nathan King seconded. No discussion. Unanimous vote to approve. (5-0-0)

Section 10.3 Affordable Housing

Mr. Archambault stated the changes proposed will make it easier to have density bonuses and allow more housing choices in the OSRD. Mr. Archambault stated that Town Council had one minor wording change in Section 10.3.2.

At 8:33 Mr. Jonathan Kranz made a motion to accept the changes to the Zoning Bylaw Section 10.3, Affordable Housing as proposed and forward the article to the Board of Selectmen to be added to the Warrant for Special Town Meeting on October 28, 2019. Ms. Julie Murray seconded. No discussion. Unanimous vote to approve. (5-0-0)

Continued Public Hearing Proposed Zoning Bylaw Amendments for October 28 Special Town Meeting – Form-Based Code West Main Street

Present: Alan Manoian, Economic Development Director

At 8:35 PM Mr. Jonathan Kranz read aloud a notice to open a public hearing for proposed Zoning Bylaw Amendments to the Ayer Zoning Bylaw Sections 5.2 and Section 6.2, and to change the title of the Proposed Zoning Bylaw 10.3 from “Affordable Housing” to “Inclusionary Housing”.

Mr. Alan Manoian mentioned to the Board that he had a visioning meeting to discuss the proposed Form-Based Code for the West Main Street area and the meeting is being played on APAC if anyone wants to watch it.

Mr. Manoian stated that Mr. Diskin sat with him last week to go over the numbers in the proposed Code.

Mr. Manoian went through the proposed Code with the Board and all the proposed changes from the last meeting which include a density change, different standards on the north and south side of the road in the T.5 transect and setback changes

Mr. Diskin asked a question regarding the setback requirement being 5 feet or 10 feet as shown on page 14.

Mr. Manoian stated that was a mistake and should be 10-foot setback and will change the proposed to show the correct setback.

Mr. Manoian continued his review of the changes he had made in the proposed Code including the minimum lot width size, and lot coverage in the T.5 transect. Mr. Manoian then moved on to the T.5.1 transect and went over the proposed changes to the Code which include the 10-foot front setback and minimum lot width.

Mr. Manoian went over the changes in the 5.2, Use Table of Use Regulations and 6.2, Schedule of Dimensional Requirements for the Board.

Mr. Manoian that he will hold more public forums on the proposed Form-Based Code along with walking tours of West Main Street similar to what he did with the Park Street Code.

At 9:04 PM MR. Ken Diskin made a motion to accept the changes to the proposed Form-Based Code for the West Main Street Corridor as discussed and presented and forward to the Board of Selectmen to be added to the Warrant for Special Town Meeting on October 28th. Mr. Jonathan Kranz seconded. No discussion. Unanimous vote to approve. (5-0-0)

At 9:05 PM Mr. Ken Diskin made a motion to close both hearings for the Proposed Zoning Bylaw Amendments for the October 28th Special Town Meeting. Mr. Jonathan Kranz seconded. No discussion. Unanimous vote to approve. (5-0-0)

Discussion, Draft Subdivision Regulations

Mr. Archambault stated the he spoke to the Town Manager, Mr. Robert Pontbriand regarding the Board review of the Subdivision regulations and a goal was set to have them completed by the end of the calendar year. Mr. Archambault stated that he is not prepared to discuss them this evening and suggested that the Board discussion them at the next meeting.

Minutes from August 13, 2019

Chairman Tillotson, Mr. Jonathan Kranz and Mr. Ken Diskin all had minor changes to the minutes which were discussed.

At 9:12 PM Mr. Jonathan Kranz made a motion to approve the minutes as amended. Mr. Ken Diskin seconded. No discussion. Unanimous vote to approve. (5-0-0)

Old Business

Ms. Julie Murray asked if there was any new information regarding 48 Central Ave, stating concern with the fencing along the property.

Chairman Tillotson stated that there is not much the Board can do besides make a request to change the fencing.

Meeting Adjournment

At 9:16 PM Mr. Jonathan Kranz made a motion to adjourn the meeting. Ms. Julie Murray seconded. No discussion. Unanimous vote to approve. (5-0-0)

Minutes recorded and submitted by Heather Hampson, Administrative Coordinator

Planning Board Approval _____
Date

Planning Board Vice-Chairman (Ken Diskin)


