

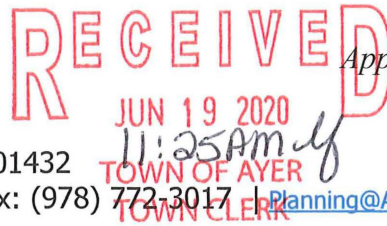


## PLANNING BOARD

### Town of Ayer

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Approved 6/9/2020

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#### **Minutes of May 26, 2020 - Ayer Planning Board Meeting**

Location: First Floor Meeting Room, Ayer Town Hall

Meeting was recorded and broadcast by APAC

**Members Present:** Geof Tillotson, Chairman; Ken Diskin, Vice Chairman; Jonathan Kranz, Clerk; Nathan King, and Julie M. Murray (all participating remotely)

**Also Present:** Mark Archambault, Town Planner

**Chairman Tillotson called the meeting to order at 6:17 PM.**

#### **General Business**

##### **Approve the Agenda**

**At 6:17 PM Mr. Jonathan Kranz made a motion to approve the agenda. Mr. Ken Diskin seconded.**

##### *Discussion:*

*Mr. Kranz asked if the Site Plan Review for Cannongate would be discussed this evening.*

*Mr. Archambault stated that at the time the agenda was posted the Site Plan Review was going to be discussed. Since that time representative for Cannongate Condominiums has asked to be placed on the next agenda on June 9, 2020.*

*Chairman Tillotson stated that Cannongate will be placed on the agenda for June 9, 2020.*

**Unanimous vote to approve. (5-0-0)**

#### **Continued Public Hearing Special Permit 14 Washington Street**

##### **Continued Site Plan Review 14 Washington Street**

Mr. Archambault stated that the first meeting for the Site Plan review was held earlier in the spring and the Special Permit Public Hearing was supposed to be on March 24<sup>th</sup> but due to the Corona virus that meeting did not occur. The plan at the time was to move some of the parking offsite to an adjacent lot. It seems this may no longer be the case, and the Special Permit application may need to be modified. The project requires 1.5 spaces per unit, and they are proposing 6 units making the required spaces 9 with 1 visitor space needed. Waivers will be needed under Section 9.1.10 of the Zoning Bylaw. Mr. Archambault stated that he did get an opinion from Town Council regarding the section of the Zoning Bylaw to use for the requests.

Mr. Archambault read aloud the Zoning Bylaw Sections regarding parking for this project.

Mr. Archambault stated that there are proposed changes to the originally proposed plan. The proposal is to now keep all the parking on 14 Washington Street, but they need to meet all the requirements in Section 9.1.10. The Department of Public Works has sent some comments for the project requesting additional stormwater items and there was a comment regarding possible signage on Washington Street.

Mr. Archambault asked Mr. Kyle Bouchard to give a brief explanation to the changes in the plans for the Special Permit.

Mr. Kyle Bouchard, Representative and Engineer from GPR, Inc., stated the plans for the project have changed from the original submission. The original proposal for parking for the site was to have some parking on an adjacent lot; due to a parking management issue and since this site is located near public transportation, they believe that the project meets the requirements under Section 9.1.10C to limit the parking on site. Mr. Bouchard understands that not all the information has reached the Board prior to the meeting and will resend all the updates to Mr. Archambault for the Board to review prior to the meeting on June 9<sup>th</sup>. The revisions to the plans include waivers for design standards and setbacks.

Mr. Jonathan Kranz stated that he was concerned with the parking on site. At the last meeting back in March the Board expressed concern about parking in the front of the building and was informed that it could be changed later. Mr. Kranz expressed concern with the change in plans asking why the adjacent lot could not longer be used for parking if it is owned by the same person as 14 Washington St.

Mr. Bouchard stated that they do not want to lose any parking in the Downtown Area. Mr. Bouchard went over some options for the parking on site at 14 Washington Street. Mr. Bouchard stated that as part of the Special Permit the Board is looking at an existing non-conforming lot that is being redeveloped and stated that if the parking is not allowed on Washington Street then the project can not move forward.

Chairman Tillotson stated that the parking is a tough issue. When the property was being sold and a special committee was reviewing the proposals for the site. Mr. Calvin Moore, who bought the property, had in his proposal a solution for parking stating that he owned the adjacent parking lot and could use it for parking for 14 Washington St. Chairman Tillotson stated he is not sure why the applicant now sees parking on the adjacent lot as an issue.

Mr. Ken Diskin stated that the Board does not have the recent changes to the plans to review or DPW comments. Before a decision on the project can be made the Board will have to review those items. Mr. Diskin stated that he was on the committee that picked the proposal for the site and stated that the parking that Mr. Moore suggested weighed heavily on his decision to choose Mr. Moore.

Mr. Diskin asked if the Board could still hold a public hearing under the advertised notice or with the changes if the applicant would have to reapply.

Mr. Archambault stated that he would check with Council to answer that question.

Chairman Tillotson stated that the Board cannot decide on the Site Plan or the Special Permit at this meeting, and a requested a motion to continue to the next meeting.

**At 7:03 PM Mr. Jonathan Kranz made a motion to continue the Site Plan Review and Special Permit Public Hearing till the next meeting on June 9, 2020. Mr. Nathan King seconded. No discussion. Unanimous vote to approve. (5-0-0)**

**Site Plan Review 75 Sandy Pond Road Cannongate Condominium**

Chairman Tillotson stated that the Department of Public Works was looking over the project and were going to get comments to Mr. Kyle Bouchard.

Mr. Kyle Bouchard that he did receive comments back from the DPW, and he is still looking into the questions and concerns they have with the drainage on site.

Mr. Diskin asked if the Board will need an extension for the Site Plan Review.

Mr. Archambault stated that with the pandemic and the State of Emergency the Governor passed a Municipal Relief Act that gives cities and towns 60 days from the end of the State of Emergency to make decision on submitted permits.

**At 7:09 PM Mr. Ken Diskin recused himself from the meeting**

**Amended Site Plan, Ayer Solar II**

Mr. Mark Archambault gave a brief background of the project to the Board, stating that the original Site Plan was approved in 2017 for a large-scale solar development. The project is located on Washington Street near Madigan Lane. The abutters to the project filed a lawsuit against the developer. The outcome of that lawsuit has brought the project back to the Board with an amended site plan. Most of the changes in the plan are with the access road into the site. Mr. Archambault as asked Town Council about the revised site plan and they agreed that with the changes to the site plan do not need a new Site Plan application but can be handled as an amended site plan. The Board must accept the plans for consideration.

Mr. Archambault suggested that the Board make a site visit to the property so that they may see the site.

**At 7:13 PM Mr. Jonathan Kranz made a motion to accept the plan for Ayer Solar II. Mr. Nathan King seconded. No discussion. Unanimous vote to approve. (4-0-0)**

Mr. Kyle Bouchard, representative and engineer from GPR, stated the they submitted a modified site plan from the approve Plan for the site know as Ayer Solar II.

Mr. Kranz asked. Mr. Bouchard to go over the areas of the plans that have changed from the previous plan.

Mr. Bouchard stated that included in the plan set there is a list of all the changes made to the plans. Mr. Bouchard went over the location of the project and the access road which is where most of the modifications to the plan are. The access road is the same as on the previous plan coming in from Washington Street. The modifications start on the access road at the wetlands crossing over the current culvert. In order to meet the requirements of the court settlement the access road had to be moved further away from the abutters, which moves it road south closer to the wetlands. The roadway is

planned to be paved per DPW's request. The modifications are a greater challenge to the Conservation Commission as the project encroaches more into the wetlands and an amended Notice of Intent has been filed and they are working through the process with the Commission. The project is also now being reviewed by Natural Heritage; there is now a habitat area on the site. As part of the modified plans there is also some trees that will need to be topped to not shade the solar panels. There is additional landscaping added to the plans as well, to add additional screening for the abutters.

Mr. Kranz asked what the elevation change was between the solar site and the abutters properties.

Mr. Bouchard stated the area is very steep and there is an about 23-foot elevation change.

Mr. Kranz asked if there will be any impact to the rail trail from the project.

Mr. Bouchard stated that the area between the site and the rail trail is wooded and the site will have a chain link fence around it.

Chairman Tillotson asked if the applicant owned all the lots the proposed project is on.

Mr. Bouchard stated that the applicant has purchased all 3 lots that the project is on.

Chairman Tillotson stated that he will have more questions after he looks over the plans and reads the comments from DPW. Chairman Tillotson asked when the Board would like to go out for a site visit.

A site visit is scheduled for Saturday June 6<sup>th</sup> at 9:00 AM

Mr. Archambault stated that the Conservation Commission has hired a consultant to review the project as part of their Notice of Intent application so the Board can use their comments as part of their review.

**At 7:40 PM Mr. Jonathan Kranz made a motion to continue the Amended Site Plan Review to the next meeting on June 9, 2020. Ms. Julie Murray seconded. No discussion. Unanimous vote to approve. (4-0-0)**

**At 7:41 PM Mr. Ken Diskin returned to the meeting.**

#### **Town Planner Update**

Mr. Archambault stated that he did not have anything for an update this evening. Mr. Archambault is working on gathering all the materials for 14 Washington Street and 75 Sandy Pond Road, Cannongate, for the Board.

#### **Old Business**

Mr. Ken Diskin stated that he would like a monthly update on the projects the Board has approved.

#### **New Business**

Chairman Tillotson stated that he would like to add to the list of items the Board needs to review the possibility of a noise bylaw.

*Approved 6/9/2020*

**Minutes from March 10, 2020**

Mr. Jonathan Kranz stated that he sent Ms. Hampson his edits to the minutes which she has made.

**At 7:48 PM Mr. Jonathan Kranz made a motion to approve the minutes from March 10, 2020 as written. Mr. Ken Diskin seconded. No discussion. Unanimous vote to approve. (5-0-0)**

**Minutes from May 12, 2020**

Chairman Tillotson tabled the May 12, 2020 minutes to the next meeting on June 9, 2020.

**Meeting Adjournment**

**At 7:55 PM Mr. Jonathan Kranz made a motion to adjourn the meeting. Mr. Ken Diskin seconded. No discussion. Unanimous vote to approve. (5-0-0)**

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Minutes recorded and submitted by Heather Hampson, Administrative Coordinator

Planning Board Approval

6/9/2020  
Date

Planning Board Chairman (Geof Tillotson)

