



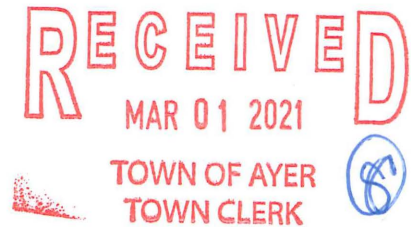
PLANNING BOARD

Town of Ayer

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Approved 2/23/2021



Minutes of January 26, 2021 - Ayer Planning Board Meeting

Location: First Floor Meeting Room, Ayer Town Hall via Zoom

Meeting was recorded and broadcast by APAC

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

Also Present: Mark Archambault, Town Planner

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

At 6:15 PM Chairman Tillotson read aloud the COVID-19 Emergency Order from Governor Baker allowing for remote participation meetings.

General Business

Approve the Agenda

At 6:16 PM Mr. Jonathan Kranz made a motion to approve the agenda as presented. Ms. Julie Murray seconded. No discussion. Vote to approve by roll call vote: Mr. Ken Diskin, aye; Mr. Jonathan Kranz, aye; Ms. Julie Murray, aye; Mr. Nathan King, aye and Chairman Tillotson, aye.

Discussion – Peter DeCarolis Littleton Road Bond

Present: Peter DeCarolis, owner of Littleton Road Subdivision

Mr. Mark Archambault stated as part of the decision for the Littleton Road subdivision a bond needs to be posted for the project. Mr. Mark Wetzel, Superintendent for the Department of Public Works as worked out a cost schedule for the bond.

Mr. Peter DeCarolis stated that he had met with Mr. Wetzel regarding the bond amount which he agrees with which is around \$315,000.00. Mr. DeCarolis stated that the bond would be held in a tri-party agreement.

Mr. Diskin asked if the bond covers just the roadway or the lots as well as listed in the covenant.

Mr. DeCarolis stated that the bond covers the lots and the roadway.

Mr. Archambault read to the Board Mr. Wetzel's memo with the bond amount and suggested that the Board vote on the agreement at the next meeting so there is time to draft the required documents.

At 6:26 PM Mr. Jonathan Kranz made a motion to grant Mr. Archambault the authority to work on behalf of the Board to set up the bond agreement for the Board to review and vote at the next meeting on February 9, 2021. Mr. Ken Diskin seconded. No discussion. Vote to approve by roll call vote: Mr. Ken Diskin, aye; Mr. Jonathan Kranz, aye; Ms. Julie Murray, aye; Mr. Nathan King, aye and Chairman Tillotson, aye.

Preliminary Subdivision Plan, 0 Washington Street, Northeast Site Development., LLC & Beals Associates

Present: Larry Beals, Bryan Sutherlin Ben Enos from Beals Associates, Attorney Alex Parra and developer Joseph Levine

Mr. Mark Archambault went over the items that the Board needed to discuss and vote on this evening to complete the preliminary subdivision review. Mr. Archambault stated that the Board should first vote on the Conservation Analysis dated December 7, 2020, then vote on the findings for the base number of lots for the yield plan shown to be 19 lots and does not include the ANR lots on Washington Street. Next the Board needed to discuss and vote on the waivers as requested by the applicant. Mr. Archambault mentioned that he spoke with Town Council regarding the powerline easement and counting the easement towards the open space for the subdivision. The powerline easement can be counted towards the open space for this particular subdivision and is listed in the findings as such.

At 6:39 PM Mr. Jonathan Kranz made a motion to accept the Conservation Analysis dated December 7, 2020. Ms. Julie Murray seconded. No discussion. Vote to approve by roll call vote: Mr. Nathan King, aye; Ms. Julie Murray, aye; Mr. Ken Diskin, aye; Mr. Jonathan Kranz, aye and Chairman Tillotson, aye.

At 6:41 PM Mr. Ken Diskin made a motion to accept the count of 19 house lots under the Panther Place Preliminary Open Space Residential Development Plan as shown on the yield plan included in the plan set dated December 7, 2020. Ms. Julie Murray seconded.

Discussion:

Mr. Nathan King asked if the base yield lots were based on a 650-foot roadway.

Mr. Joseph Levine stated that they are.

Vote to approve by roll call vote: Mr. Ken Diskin, aye; Mr. Nathan King, aye; Ms. Julie Murray, aye; Mr. Jonathan Kranz, aye and Chairman Tillotson, aye.

Mr. Archambault asked if the Board wanted to move onto the waivers as requested or another item. Mr. Archambault suggested if the Board decided to move on to the waivers then the applicant may want to make a presentation on the waivers requested.

Mr. Diskin asked if the Board should make a motion on powerline easement and the decision to include it in the open space calculations.

Mr. Archambault stated that would be a good idea and to use the language in the Planner Report on page 7.

At 6:44 PM Mr. Jonathan Kranz made a motion that the Planning Board finds in this particular case the power line easement as shown on the plans for Panther Place can be counted towards both the total tract of original lot area and towards the 50 % minimum open space in an OSRD subdivision given that the easement is only 130 feet wide on average, features a young successional forest, provides great areas of habitat, and is of more conservation value then other wider powerline easements in town.

Mr. Ken Diskin seconded. No discussion. Vote to approve by roll call vote: Mr. Ken Diskin, aye; Mr. Nathan King, aye; Ms. Julie Murray, aye; Mr. Jonathan Kranz, aye and Chairman Tillotson, aye.

At 6:51 PM Mr. Jonathan Kranz made a motion to accept the waiver as requested to Section VI to the Ayer Subdivision Regulations, Plans for Definitive Subdivision. A. (1)(d) for topography at two (2) foot contour intervals. Ms. Julie Murray seconded. No discussion. Vote to approve by roll call vote: Ms. Julie Murray, aye; Mr. Nathan King, aye; Mr. Ken Diskin, aye; Mr. Jonathan Kranz, aye and Chairman Tillotson, aye.

At 6:55 PM Mr. Jonathan Kranz made a motion to accept the waiver as requested to Section VI to the Ayer Subdivision Regulations; Plans for Definitive Subdivision; F. (2) for trees over 12 inches in diameter in within 50 feet of construction. Ms. Julie Murray seconded.

Discussion:

Mr. Nathan King stated that he would like to hear from the applicant regarding the request for the waiver.

Mr. Larry Beals stated that the request is due wanting the option of removing trees that would interfere with foundations to help with design of the project.

Mr. Joseph Lavine stated that the size of the property is quite large and with half the property being left as open space, needed direction on design of the project.

Mr. Archambault stated that having tree over 24 inches identified may help with preservation of larger groups of trees. He noted that trees over 30 inches are identified but would like to see 24 inches as well and mentioned that identification is not stating they are off limits and will aid the Board in their approval. He also noted that Section 9.6 of the Zoning Bylaw requires meeting erosion controls and land clearing to avoid clear cutting.

Mr. Kranz stated that 24 inches is a good compromise and the appropriate time to decide on them would be during the definitive stage.

Attorney Alex Parra stated that during the Conservation Analysis the Conservation Commission requested to locate the trees and Mr. Brian Butler made the judgement to locate the trees that are 30 inches in diameter which was accepted by the Conservation Commission. Attorney Parra did not see how adding trees that are 24 inches would make that much difference.

Mr. Ken Diskin wanted to concentrate on the way the waiver was requested, originally stating the trees in question would be located within 50 feet of construction but later the request mentions all trees. He believes we should be looking at trees only within 50 feet of construction. He was leaning towards Mr. Archambault's suggestion of identifying 24-inch trees on the layout plan.

Mr. Beals would like the obligation to exclude the open space.

Chairman Tillotson stated that the area under construction would be the disturbed area, not the open space or easement.

Mr. Beals stated that this would be done in the definitive, and as a compromise language would state that it be limited to the disturbed area.

Mr. Diskin stated that all the information is listed in Section VI of the Subdivision Regulations.

Chairman Tillotson stated that we are looking at the development envelope.

Mr. Diskin read the Section of the Subdivision Regulations for layout plan (Section VI F (2)). Mr. Diskin thinks that Mr. Archambault's suggestion of 24 inches in diameter is reasonable.

Mr. Beals agreed and thanked the Board for the decision and for clarifying the area of identification.

Mr. Nathan King stated that having a survey of the 24-inch trees in the development envelope will help make a better subdivision and make the Board more aware of what is located on site.

Mr. King asked where the 24-inch measurement came from and asked if it was enough.

Mr. Beals stated that we can change the 24-inch to 24-inch +/- and add the species to the listing of the size.

At 7:17 PM Mr. Jonathan Kranz amended his motion to approve the waiver to Section VI to the Ayer Subdivision Regulations; Plans for Definitive Subdivision; F (2) to modify the waiver to require trees 24-inch +/- in diameter within 50-feet of any construction within the development envelop with species of tree be added to the definitive plans. Ms. Julie Murray seconded. Vote to approve by roll call vote: Mr. Ken Diskin, aye; Mr. Nathan King, aye; Ms. Julie Murray, aye; Mr. Jonathan Kranz, aye and Chairman Tillotson, aye.

At 7:18 PM Mr. Jonathan Kranz amended his motion to approve the waiver to Section VI of the Ayer Subdivision Regulations; Plans for Definitive Subdivision; H (2) to modify the waiver to require trees 24-inch +/- in diameter within 50-feet of any construction within the development envelop with species of tree be added to the definitive plans. Ms. Julie Murray seconded.

Discussion:

Mr. Diskin said, this Section does not apply to the 50-feet of construction area, only the plan.

At 7:19 PM Mr. Jonathan Kranz amended his motion to approve the waiver to Section VI; Plans for Definitive Subdivision; H (2) to modify the waiver to require trees 24-inch +/- in diameter with species of trees be added to the landscape plans. Ms. Julie Murray seconded. Vote to approve by roll call vote: Mr. Jonathan Kranz, aye; Mr. Ken Diskin, aye; Mr. Nathan King, aye; Ms. Julie Murray, aye and Chairman Tillotson, aye.

At 7:20 PM Mr. Jonathan Kranz made a motion to approve the waiver to Section VI of the Ayer Subdivision Regulations; Plans for Definitive Subdivision; J (2)(h) to modify the waiver to require trees 24-inch +/- in diameter within 50-feet of any construction within the development envelop with species of tree be added to the definitive plans. Ms. Julie Murray seconded. Vote to approve by roll call vote: Mr. Ken Diskin, aye; Mr. Nathan King, aye; Ms. Julie Murray, aye; Mr. Jonathan Kranz aye, and Chairman Tillotson, aye.

Mr. Archambault stated that the last waiver is for the length of dead-end roadway. Section VII of the Ayer Subdivision Regulations B (4)(a) requires the roadway in a dead-end be no more than 650-feet in length excluding the turnaround bulb. The applicant is requesting 710 feet excluding the turnaround circle.

At 7:23 PM Mr. Jonathan Kranz made a motion to approve the waiver to Section VII of the Ayer Subdivision Regulations; Road, Utility, and Stormwater Design Standards; B. (4)(a) to allow a 710-foot road length. Ms. Julie Murray seconded.

Discussion:

Mr. King mentioned that he put a lot of thought into this waiver request, stating that the Board put the Subdivision Regulations together with a lot of thought, and uses them as guidance. When looking at the plans, the cul-de-sac is larger on one than the other.

Mr. Beals stated that was true, the larger one gives more flexibility for driveways.

Mr. King mentioned that the lot is not long and narrow like other subdivisions and would like to see the road length stay at 650.

Mr. Diskin stated that he does not support the request to go to 710-feet, in older regulations and in other towns the road length is 500-feet, so the road is already longer not to mention the Natural Heritage Habitat line on the property at well.

Mr. Kranz agreed with Mr. King and Mr. Diskin.

Chairman Tillotson stated that this is the most common waiver given under the argument that it is a unique property and feels, that the property could support the longer road but will side with the other members.

Attorney Parra stated that when they came to the Board with the original plan there was concern about staying out of the buffer. The revised plan with the longer roadway allows for the house lots to be pulled out of the buffer, which is the house lots with the higher priority land. The Natural Heritage line on the plans does not have any surveying or animal count behind its location it is just a line on the plans. The Conservation Analysis states that the Natural Heritage area that does not represent a take and is of secondary concern to the land in wetlands buffer, so the plans were revised to show that change with the longer road.

Mr. King commented on Attorney Parra's comments regarding the Natural Heritage area not applying to this property, and in respect to the adjacent subdivision a shorter roadway would be consistent with the same look.

Mr. Lavine stated that the waiver for the roadway was to help widen the lots to help make the lots fit better within the property.

Vote to approve by roll call vote: Mr. Ken Diskin, nay; Mr. Nathan King, nay; Ms. Julie Murray, nay, Mr. Jonathan Kranz, nay and Chairman Tillotson, nay.

At 7:42 PM Mr. Jonathan Kranz made a motion to approve with modifications the Preliminary Subdivision Plan for 0 Washington Street, Panther Place as shown on the plans dated January 7, 2021 with the waiver requests as decided and the findings made by the Ayer Planning Board at their January 26, 2021 meeting. Ms. Julie Murray seconded. No discussion. Vote to approve by roll call vote: Mr. Ken Diskin, aye; Mr. Jonathan Kranz, aye; Ms. Julie Murray, aye; Mr. Nathan King, aye and Chairman Tillotson, aye.

Continued Public Hearing Special Permit 14 Washington Street

At 7:48 PM Mr. Jonathan Kranz made a motion to continue the public hearing for the special permit at 14 Washington Street to the next Planning Board meeting on February 9, 2021. Ms. Julie Murray seconded. No discussion. Vote to approve by roll call vote: Mr. Ken Diskin, aye; Mr. Jonathan Kranz, aye; Ms. Julie Murray, aye; Mr. Nathan King, aye and Chairman Tillotson, aye.

Continued Site Plan Review 14 Washington Street

At 7:48 PM Mr. Jonathan Kranz made a motion to continue the Site Plan Review for 14 Washington Street to the next Planning Board meeting on February 9, 2021. Ms. Julie Murray seconded. No discussion. Vote to approve by roll call vote: Mr. Ken Diskin, aye; Mr. Jonathan Kranz, aye; Ms. Julie Murray, aye; Mr. Nathan King, aye and Chairman Tillotson, aye.

Town Planner Update

Mr. Archambault stated that he is still working on some zoning changes regarding density bonuses for April Town Meeting.

Administrative Announcements

Old Business

Chairman Tillotson stated that the Board has not received anything from the Town of Harvard Select Board as requested at this time.

New Business

OSRD and Conservation Commission

Mr. Jonathan Kranz stated the joint meeting with the Conservation Commission took place on Friday, January 22nd and was a success. There were two members of the Planning Board present and three members of the Conservation Commission. During the meeting they discussed working on a process for applications when they come in and which Board they should see first.

Mr. Kranz will inform the Board when there is another joint meeting to discuss the OSRD process.

Meeting Adjournment

At 7:51 PM Mr. Jonathan Kranz made a motion to adjourn. Ms. Julie Murray seconded. Vote to approve by roll call vote: Mr. Ken Diskin, aye; Mr. Nathan King, aye; Ms. Julie Murray, aye; Mr. Jonathan Kranz, aye and Chairman Tillotson, aye.

Minutes recorded and submitted by Heather Hampson, Administrative Coordinator

Planning Board Approval 2/23/2021
Date

Planning Board Chairman (Geof Tillotson)

