



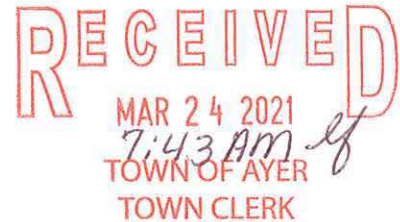
PLANNING BOARD

Town of Ayer

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Approved 8/25/2020



Minutes of July 28, 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 6:15 PM.

General Business

Approve the Agenda

At 6:16 PM Mr. Jonathan Kranz made a motion to approve the agenda. Mr. Ken Diskin seconded.

Discussion: Mr. Jonathan Kranz mentioned the letter to continue both agenda items for 14 Washington Street and Ayer Solar II. Chairman Tillotson stated that the Board will discuss the continuation later in the meeting. Unanimous vote to approve. (5-0-0)

Review, ANR Plan Harvard Road

Present: There was no one present for the applicant

Mr. Mark Archambault mentioned that the lot on Harvard Road is a preexisting nonconforming lot created in the 1950's. The proposal is to give a small parcel to an adjacent lot. Mr. Archambault suggested to the Board that they make a finding to endorse the ANR plan.

Chairman Tillotson asked if the lot size requirement was met with the parcel being given to the adjacent lot.

Mr. Archambault stated that the lot meets the 12,000 sq. ft. minimum.

At 6:21 PM Mr. Jonathan Kranz made a motion to endorse the ANR plan dated July 15, 2020, for 9 Harvard Road for the creation of parcel A. Mr. Nathan King seconded. No discussion. Unanimous vote to approve. (5-0-0)

Public Hearing Special Permit 3-5 Park Street

Present: Mr. Robert and Thomas Gardner, Applicants Attorney Thomas Gibbons, and David Berry, property owner

At 6:23 PM Mr. Jonathan Kranz made a motion to open the continued public hearing for the Special Permit for 3-5 Park Street. Ms. Julie Murray seconded. No discussion. Unanimous vote to approve. (5-0-0)

Chairman Tillotson asked if the decision for the Special Permit had been brought to the Town Clerk.

Ms. Heather Hampson stated that it had been stamped in by the Town Clerk yesterday, July 27th.

At 6:25PM Mr. Ken Diskin made a motion to close the public hearing for 3-5 Park. Mr. Jonathan Kranz seconded. No discussion. Unanimous vote to approve. (5-0-0)

Continued Public Hearing Special Permit 14 Washington Street

Present: (remotely) Kyle Burchard, GPR Inc. Engineer and representative

Mr. Kyle Burchard apologized to the Board for not getting materials submitted for this evenings meeting and will have the items for the next Planning Board meeting.

At 6:35 PM Mr. Jonathan Kranz made a motion to continue the public hearing for the Special Permit for 14 Washington Street to the next Planning Board meeting on August 11, 2020. Ms. Julie Murray seconded. Discussion: Mr. Diskin asked if an extension letter was needed for the Site Plan and Special Permit. Mr. Archambault stated that the Governor has passed the Municipal Relief Act which grants cities and towns automatic extensions for all permits filed during the State of Emergency. Unanimous to vote approve. (5-0-0)

Continued Site Plan Review 14 Washington Street

At 6:37 PM Mr. Jonathan Kranz made a motion to continue the Site Plan Review for 14 Washington Street to the next Planning Board meeting on July 28, 2020 as requested by the GPR, Inc. Ms. Julie Murray seconded.

Amended Site Plan, Ayer Solar II

Present(remotely): Mr. Kyle Burchard, GPR Inc. Engineer and representative

Mr. Buchard stated that he has met with the Conservation Commission and their consultant regarding the proposed amendments to the Ayer Solar II plan and there are some outstanding concerns with the stream crossing. The Conservation Commission will meet again to discuss the amended plan on August 13th.

At 6:38 PM Mr. Jonathan Kranz made a motion to continue the Amended Site Plan Review for Ayer Solar II to the next Planning Board meeting on August 11, 2020 as requested by the GPR, Inc. Ms. Julie Murray. No discussion. Unanimous vote approve. (5-0-0)

Discussion, Endorsement of John Carroll Reserve Subdivision, 54 & 56 Littleton Road

Present: Calvin Goldsmith, Engineer GPR, Inc

Mr. Calvin Goldsmith stated that the he is before the Board this evening requesting the Board endorse a Subdivision Plan for the John Carroll Reserve Subdivision located on Littleton Road that was approved in October of 2019. The property and project are being sold and one of the final details before completion

of the sale is to get the plan endorsed by the Board. All the items in the decision have been completed as needed prior to endorsement except two which have to do with bonding the project.

Mr. Goldsmith read through Chapter 41 Section u of the Mass General Law which covers Subdivision Control regarding allowance for bonding, covenant, or tri party agreements prior to the approval of a subdivision for the Board. Mr. Goldsmith stated that the owner has some concern with the proposed bond amount requested by the Department of Public Works Superintendent, Mark Wetzel, stating that it was too high and requested that the Board allow for a covenant and a bond to be posted by the builder at a later time during construction. Mr. Goldsmith informed the Board that allowing for a covenant for the project will give the Board more control on the project including sales and construction.

Mr. Goldsmith submitted a draft covenant for the Board to review stating that he understands the Board has had issues with covenants in the past. The proposed is to have a covenant for the start of the project and add a bond after the road has a binder or another part of the development to allow for a small bond amount at which point the covenant will be released and a bond posted.

Chairman Tillotson stated that due to the special conditions that were part of the decision for the subdivision back in October, Special Conditions 4 and 7 under Section E a bond must be in place.

Mr. Ken Diskin mentioned that in reading through the special conditions he did not see where it specifically mentions a time frame in which a bond needed to be in place or a specific amount, only one to be determined by the DPW and Town Planner.

Chairman Tillotson said that when the special conditions were drafted, he did not think it was clear that the project would be sold; if it were, the conditions may have been clearer.

Mr. Diskin stated that he does like the language that was drafted for the covenant. If it is approved by our Town Council and Town Planner as an all or nothing covenant, he feels better about allowing it for the covenant. He also commented on the draft amount for a bond by Mr. Wetzel stating it was a bit high in his experience. He agreed to go with a compromise on the covenant and then allow for a bond later.

Mr. Jonathan Kranz was intrigued by Mr. Goldsmith's compromise to go with a covenant and then a bond later in the development.

Mr. Nathan King had a question on the intent of condition 4 asking if it is up to the Board to argue the amount.

Mr. Mark Archambault stated that the point of condition 4 is to have the developer sit and meet with the DPW to discuss the amount.

Chairman Tillotson stated that since the decision was made back in October and items have changed since then – and with the draft covenant submitted by Mr. Goldsmith – there is a middle ground for the issue of the bond. Mr. Diskin has done a lot work to draft some minor changes to the draft covenant to make it work for the Board.

Mr. Diskin stated that the Board has two things they are working with; first is the covenant. Mr. Diskin went through the changes in the covenant as it was submitted to the Board for approval.

Mr. Goldsmith stated that the covenant was drafted to follow the project from beginning to end and is to be a standalone document.

Mr. Diskin stated that he reviewed the draft covenant that was sent to him earlier and requested that an additional sentence be added under item 7 as listed in the covenant.

Chairman Tillotson read aloud the additional sentence to be added to item 7 in the draft covenant.

Mr. Goldsmith stated that he has no issue with the addition to the covenant.

Chairman Tillotson stated that he has some concern about not having a performance guarantee or bond listed in the covenant but will go with what the Board agrees with.

Chairman Tillotson stated that the special conditions were drafted back in October before the Board knew the project and property was being sold. The issue before the Board now are special conditions E.4 and E.7. Chairman Tillotson asked the Board how they would like to handle the request before the Board to change or remove the conditions in order to move the project forward.

Mr. Goldsmith stated that he can drop off the mylar for the Board to sign along with the covenant once revised.

Mr. King stated that in the decision, Section E states prior to endorsement all seven items need to be completed it seems that number 4 and 7 need to be amended prior to the Board being able to endorse the plan.

Mr. Archambault stated that it may be a question for counsel on how to revise the decision.

Chairman Tillotson stated that he was not sure how to make the change.

Mr. Goldsmith stated he believes the Board can amend the decision to move items 4 and 7 from Section E since the plans have not been recorded yet.

Mr. Diskin agreed and suggested to amend special condition E.7 of the decision to allow for a bond filed if required later in the project.

The Board held a discussion to move special condition E.7 to another section of the decision.

Chairman Tillson made the request to move the condition to Section G, prior to building permits being issued, making it new condition G.4., a minimal change.

Mr. Goldsmith asked the Board if they wanted to move special condition E. 4 as well.

Chairman Tillotson stated that he feels that it needs to be moved as well.

Mr. King did not agree as the amount is not part of the condition.

Mr. Diskin had a question about special condition E. 4 stating that he feels we are ok leaving where it is.

Chairman Tillotson stated that how the condition is written a meeting would have to have taken place prior to the endorsement of the plan which has not happened. We can move special condition E.4 to prior to site excavation Section F. making it number 5.

There was some discussion regarding moving or not moving special condition E.4

Chairman Tillotson stated that the covenant will be amended to add the sentence drafted by Mr. Diskin as discussed this evening and the Board will sign the covenant at the time they sign the plan as well as a new revised decision moving special condition E.7 to section G.4

Mr. Archambault stated that he would like to see both special condition E 4 and E 7 moved to section G.

Mr. King stated that the Board does not have a record of any meeting taking place and should be moved to another section.

Mr. Archambault agreed that he would like to see them both moved so that the Board can ensure that a meeting has taken place and the condition is met.

Mr. Diskin suggested that special condition E. 4 be moved to section F prior to site excavation as special condition F. 5.

Mr. King agreed with Mr. Diskin.

Mr. King asked if the Board was authorized to make motions and change the decision as it was not listed on the agenda as a vote, only as a discussion.

Mr. Archambault stated that he feels the Board can make the changes so long as they refer to the original decision from back in October.

At 7:35 PM Chairman Tillotson made a motion to amend the notice of decision of October 2019 of the Town of Ayer Planning Board to move special condition E.4 to special condition F.5 and move special condition E.7 to special condition G. 4. Mr. Ken Diskin seconded. No discussion. Unanimous vote to approve. (5-0-0)

At 7:36 PM Chairman Tillotson made a motion to ask the applicant to adjust the language in the covenant section 2 paragraph 7 to include the sentence that the board discussed and will provide to the applicant. Mr. Jonathan Kranz seconded. No discussion. Unanimous vote to approve. (5-0-0)

At 7:39 PM Ms. Julie Murray made a motion to approve the covenant with amendments as discussed. Mr. Jonathan Kranz seconded. No discussion. Unanimous vote to approve. (5-0-0)

Mr. King asked if all three remaining special condition under section E have been completed.

Mr. Mark Archambault stated that they have all been completed except for the conservation restriction which is up to the Conservation Commission not the Board the Commission will be looking to discuss this further.

Mr. King stated that he read condition 1 as a requirement to submit the details and asked if that has been done.

Mr. Archambault stated that the details have been submitted, but the fine details are still under review.

Mr. Diskin stated that special condition section H.2 lists that final CR needs to be submitted prior to first occupancy.

At 7:46 PM Mr. Jonathan Kranz made a motion to endorse the Subdivision Plan for the Subdivision called John Carroll Reserve 54 and 56 Littleton Road as discussed. Ms. Julie Murray seconded. No discussion. Unanimous vote to approve. (5-0-0)

Town Planner Update

Mr. Archambault mentioned that Mr. Dan Van Schalkwyk has drafted a new Stormwater Regulation which he has distributed to the Board. The public hearing will be held at the next meeting on August 11th.

Minutes from July 14, 2020

Chairman Tillotson tabled the minutes to the next meeting on August 11th.

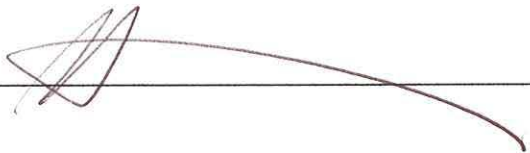
Meeting Adjournment

At 7:50 PM Mr. Jonathan Kranz made a motion to adjourn. 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 8/25/2020
Date

Planning Board Chairman (Geof Tillotson)



A handwritten signature in dark ink, appearing to be 'Geof Tillotson', is written over a horizontal line.