

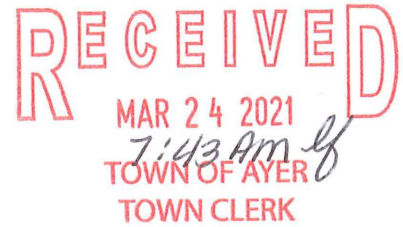
## PLANNING BOARD

### Town of Ayer

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Approved 11/24/2020



#### **Minutes of October 27, 2020 - 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 6:15PM Chairman Tillotson read aloud the COVID-19 Emergency Order from Governor Baker allowing for remote participation meetings.

#### **General Business**

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

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

#### **Catania Oil, Agreement and Release pertaining to treed buffer**

*Present: Dan Brackett and Joseph Basile from Catania Oil*

Chairman Tillotson asked the Board if they have reviewed the new agreement and if there were any questions.

Mr. Jonathan Kranz asked if anything outside of the items discussed at the last meeting has changed.

Chairman Tillotson stated there was not and a draft was sent out to the Board last week to review.

At 6:20 PM Mr. Jonathan Kranz made a motion to endorse the agreement for Catania oil dated October 27, 2020.0 Mr. Ken Diskin seconded. No discussion. Vote to approve by roll call vote: Ken Diskin, aye; Julie Murray, aye; Nathan King, aye; Jonathan Kranz, aye and Chairman Tillotson, aye

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

Chairman Tillotson asked if the office has received anything from the applicant.

Mr. Archambault stated that he has not but Mr. Kyle Burchard is present at the meeting for another item.

Mr. Kyle Burchard apologized to the Board for not submitting revised plans. Mr. Burchard assured the Board that he has been working on revised plans for the project at 14 Washington Street and will have them to the Board soon and requested an extension to the next meeting.

**At 6:24 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 November 10, 2020. Mr. Ken Diskin seconded. No discussion. Vote to approve Mr. Ken Diskin, aye; Julie Murray, aye; Mr. Nathan King, aye; Mr. Jonathan Kranz, aye and Chairman Tillotson, aye.**

**Continued Site Plan Review 14 Washington Street**

**At 6:25 PM Mr. Jonathan Kranz made a motion to continue the Site Plan Review for 14 Washington Street to the next Planning Board meeting on November 10, 2020. Mr. Ken Diskin seconded. No discussion. Vote to approve Mr. Ken Diskin, aye; Mr. Julie Murray, aye; Mr. Nathan King, aye; Mr. Jonathan Kranz, aye and Chairman Tillotson, aye.**

**At 6:26 PM Mr. Ken Diskin left the meeting**

**Amended Site Plan, Ayer Solar II**

*Present: Kyle Burchard and Cal Goldsmith, representatives from GPR, Inc.*

Mr. Archambault stated that since the last meeting the Conservation Commission voted to issue an Order of Conditions for the project. The plans the Conservation Commission approved are dated October 19, 2020 and were sent last week. The Department of Public Works are currently reviewing the last set of plans dated September 15, 2020. Mr. Archambault mentioned that there are only a few minor revision on the plans dated October 19<sup>th</sup> and suggested that Mr. Burchard go over those changes with the Board this evening. Mr. Archambault also stated that he received comments from the DPW regarding the maintenance and operating plan.

Mr. Kyle Burchard went over the details in the October 19<sup>th</sup> plans and how they differ from the September 15<sup>th</sup> plans. The difference is the location of the culvert that has shifted to meet Conservation Commission concerns.

Mr. Burchard continued to go through the plans set dated October 19<sup>th</sup> with the Board including the culvert details. The Commission requested the change in the culvert to not cover the intermittent stream banks. The culvert size was increased to 3 feet wider and 7 ½ longer than the old design requiring the road to be raised about 7 inches also to allow for overflow and drainage. This is the best design for the stream crossing given the request from the Conservation Commission. There is an additional 500 sq feet of wetland impact and minor changes to the limits of work and erosion control. The tree topping on the September 15<sup>th</sup> plan has been removed.

Mr. Burchard mentioned that he was unable to review all the comments from the DPW but did want to give the Board a chance to ask questions. A request to daylight an intermittent stream is not possible because it is on a neighboring property.

Chairman Tillotson asked a questioned about the stream's location.

Mr. Burchard went over the streams possible flow and the stone culvert.

Chairman Tillotson stated that the comment from DPW is regarding the stone culvert as discussed before.

Mr. Burchard stated that the comment is regarding the stone culvert and without the constraints from the neighbors they would be able to address the concern.

Mr. Kranz asked what would happen if any damage occurred to the stone culvert.

Mr. Burchard stated that there would not be any heavy equipment going over the area. The crossing will be constructed first to provide access to the facility, so there should be no issue.

Mr. Nathan King asked if the water still go through the new culvert even if the stone culvert was not there.

Mr. Burchard stated that the design was created to meet all stormwater calculations even if the stone culvert is partially collapsed. He would like to have it open but is not possible. The new culvert will be able to take any and all stormwater that follows through it.

Chairman Tillotson asked if the tree removal would be done in phases or all at once.

Mr. Burchard stated that he feels that it would be done in phases completing the road and crossing first to get to the back of the property to construct the facility. He can not speak for the contractor that will do the work but that would be his best guess to get the roadway and culvert in first.

Chairman Tillotson asked if there are any Operation and Maintenance guidelines for the culvert.

Mr. Burchard stated that the culvert will require almost no maintenance. If there is a large storm it will need to be checked but the culvert is almost sized in excess of what is needed for flow.

Mr. Archambault went over his items from his report which included comments from Mark Wetzel, DPW Superintendent. Mr. Archambault requested that the Board request the DPW to review the October 19<sup>th</sup> plans to ensure they meet their stormwater standards. The DPW also requested a construction, maintenance, and decommissioning bond. This is something the Board should discuss.

Mr. Archambault read his draft motion requesting that the DPW review the plans and bonding which went as follows: Recommends that the Board make a motion to ask the Department of Public Works to review changes from the October 19th plan to the stormwater system design review and also assist the Board in determining bonding amounts and timing after receiving a schedule of amounts from the applicants engineer.

Chairman Tillotson noted that to set a bond the Board would need a schedule of values. Chairman Tillotson asked if there were any additional lots with this plan as there were in the previous approval.

Mr. Burchard mentioned that there are several lots that are part of the project that have been combined through the ANR process.

Chairman Tillotson wondering how long it would take the DPW to review the peer review comments and plans.

Mr. Archambault stated that he would like to see a quick review of the plans to ensure they meet the DPW standards for stormwater.

Mr. Cal Goldsmith requested that a review not be done due to the lengthy review that was done through the Conservation Commission and their consultant.

Chairman Tillotson not sure what the level of review would be by the DPW since a lengthy review was done. He feels that the DPW should be asked what type of review they would like to do to ensure everything is correct.

Mr. Archambault stated that he did not want a full review only to have DPW do a review to ensure the plans and consultant review meet their standards.

Chairman Tillotson stated that he had spoken to Mr. Mark Wetzel, DPW Superintendent, regarding the review of the plans at the portions that were not involved with the peer review.

Mr. Goldsmith and the Board agreed with this request to review the portions of the plans not part of the peer review, which would look at the entrance from Washington Street and the roadway.

Chairman Tillotson stated that the Board needs to discuss the bonding of the project next, considering the request from the DPW including construction, maintenance and decommission bonds.

Mr. Kranz asked Mr. Goldsmith's opinion on the bonding of the project.

Mr. Goldsmith mentioned that he does not have a problem with the bonding of the decommissioning or the maintenance but does not see requesting a bond for construction. To construct the solar panels, the road will need to be complete so requiring a bond does not make sense. He will give a schedule of values for the construction of the road, requested due to the one house lot that is left on the project but most of the money spent on the construction will be to get the roadway in.

Mr. Kranz stated that was similar to what he was thinking; since there is only one driveway for a solar field it is different than a subdivision but the bonds for maintenance and decommissioning make sense.

Mr. King asked if there is a risk to the abutters if the road is not completed, decommissioned and/or restored before the culvert is in. If so should the Board consider bonding the construction of the road.

Chairman Tillotson stated the road is not paved the full distance to the culvert.

Mr. Burchard said the road is paved only 150 feet the entrance.

Chairman Tillotson asked how far the culvert is down the road.

Mr. Burchard stated that the culvert is around 500 feet down the road from Washington Street.

Chairman Tillotson stated that the Board could investigate bonding the roadway near Washington Street entrance to the culvert.

Mr. Burchard stated that he is not sure what the concern with the abutters is since the revised plans reflect the solution with the abutters through the lawsuit and the roadway is the only access into the property.

Chairman Tillotson mentioned he is trying to figure out what happens if the culvert does not get built the Board wants to make sure everyone is covered.

Mr. Archambault stated that he is meeting with DPW tomorrow via Zoom with the Conservation Administrator about the project and can ask them their thoughts about the bonding.

Chairman Tillotson stated that he does not feel the Board can make a motion on bonding at this time without comments from the DPW on the subject.

Mr. Goldsmith stated that you bond the project because the town would have to finish the construction of the road, and asked Mr. Archambault to ask DPW tomorrow what the cost would be to bond partial construction of the road.

Chairman Tillotson would like to hear from DPW on what they want for bonding on the road. Asked Mr. Archambault to add that to his discussion with DPW tomorrow.

Mr. Archambault stated that the Mark Wetzel, DPW Superintendent, requested that the Board make a formal request to the DPW for assistance in figuring the performance guarantee after received the values from the engineer.

**At 7:15 PM Jonathan Kranz that the Planning Board formally ask DPW Superintendent, Mark Wetzel, for assistance in determining the performance guarantee, schedule and timing. Ms. Julie Murray seconded.**

**Discussion:**

**Mr. King asked if the motion should state that the bonding is for restoration and not further construction. Chairman Tillotson did not think that was needed at this time.**

**Vote to approve Ms. Julie Murray, aye; Mr. Nathan King, aye; Mr. Jonathan Kranz, aye and Chairman Tillotson, aye.**

Mr. Archambault stated that he will be contacting Mr. Burchard later this week to set up a meeting time with DPW.

**At 7:17 PM Mr. Jonathan Kranz made a motion to continue the discussion on the Amended Site Plan for Ayer Solar II to the next meeting on November 10, 2020. Ms. Julie Murray seconded. No discussion. Vote to approve Ms. Julie Murray, aye; Mr. Jonathan Kranz, aye Mr. Nathan King, aye; and Chairman Tillotson, aye.**

**At 7:18 PM Mr. Ken Diskin rejoined to the meeting**

**Town Planner Update**

Mr. Archambault stated that he spoke to the Town Planner from Northhampton and he is still interested in conducting a workshop with the Board on bonds and covenants. Hoping to have this item on the agenda in December.

Chairman Tillotson stated that the first meeting in December would be fine depending on the amount of materials the Board has before them.

### **Old Business**

#### **48 Central Ave Site Visit**

Chairman Tillotson stated that he found the site visit very informative

Mr. Diskin stated that the Board sent emails regarding their comments from the site visit and asked if they would be complied into a letter for the file and the Building Commissioner, Charlie Shultz.

Chairman Tillotson agreed that a punch list should be complied for this site with all the items from the Board Member's emails.

Chairman Tillotson stated that the builder will be submitting to the as-built plans.

Mr. Diskin stated a letter, with the items from the site visit, needs to be sent to the builder sooner rather than later since they do have a closing coming up.

Chairman Tillotson asked Mr. Archambault to get a letter out to the Board to review this week so that it can be sent to the builder as soon as possible.

Mr. Archambault stated that he can get a letter drafted and sent to the Board tomorrow.

#### **217 West Main Street Site Visits**

Chairman Tillotson stated that the applicant was not able to attend the site visit on the 17<sup>th</sup> and went out separately with Mr. Dan Van Schalkwyk from the DPW to see what items are outstanding on the site. While on site they found a handful of items that were not done. The question is who is responsible to ensure the items are completed, including: curbing, a fence around the detention areas, striping of the parking and signage. There was evidence of an animal digging in the detention area that will need to be remediated.

Mr. Archambault added that the tree box filters need to be looked at as well.

Chairman Tillotson added that Mr. Van Schalkwyk went to 215 West Main Street and there are a few items there as well. Chairman Tillotson asked the Board how they wanted to proceed either send a letter with the outstanding items or invite the applicant into a meeting to discuss.

Mr. Kranz stated that he likes the idea of sending a letter to the applicant with the list of outstanding items.

Mr. Diskin stated that he believes that the process should start with Mr. Charlie Shultz, Building Inspector, and agreed to send a letter to the applicant but we need to follow up with Mr. Shultz as well since the request came from him to go out to the site.

Mr. Archambault asked if a letter should be sent to Mr. Shultz only or to Mr. Shultz and to the applicant.

Chairman Tillotson stated that a conversation with Mr. Shultz should be the first step and have him weigh in on the situation as well.

**Minutes from September 22, 2020**

At 7:36 PM Mr. Jonathan Kranz made a motion to approve the minutes from the September 22, 2020 meeting as submitted. Mr. Ken Diskin seconded. No discussion. Vote to approve Mr. Nathan King, aye; Mr. Jonathan Kranz, aye; Mr. Ken Diskin, aye; and Chairman Tillotson, aye. Ms. Julie Murray abstained.

**Minutes from October 13, 2020**

At 7:37 PM Mr. Jonathan Kranz made a motion to approve the minutes from the October 13, 2020 meeting as submitted. Ms. Julie Murray seconded. No discussion. Vote to approve Ms. Julie Murray, aye; Mr. Nathan King, aye; Mr. Jonathan Kranz, aye; Mr. Ken Diskin, aye; and Chairman Tillotson, aye.

**New Business**

**Housing Trust**

Chairman Tillotson stated that at Town Meeting on Monday October 26<sup>th</sup> the Town Meeting passed the creation of a Housing Trust. A member of the Planning Board will be asked to be on the Trust and suggested that since Board members are on other subcommittees that he be the representative for the Planning Board on the Housing Trust.

**Meeting Adjournment**

At 7:41 PM Mr. Jonathan Kranz made a motion to adjourn.

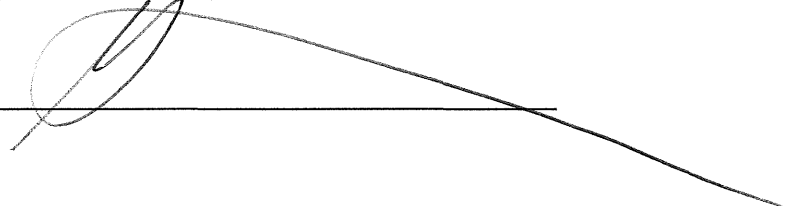
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Minutes recorded and submitted by Heather Hampson, Administrative Coordinator

Planning Board Approval

11/24/2020  
Date

Planning Board Chairman (Geof Tillotson)



A handwritten signature, likely of Geof Tillotson, is written over a horizontal line. The signature is stylized and extends to the right.