



PLANNING BOARD

Town of Ayer

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Approved – 10/23/2018

Minutes of October 9, 2018 - Ayer Planning Board Meeting

Location: First Floor meeting room, Ayer Town Hall

Meeting was recorded by APAC

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OCT 24 2018

TOWN OF AYER

TOWN CLERK

3:00pm *lf*

Members Present: Geof Tillotson, Vice-Chairman, Sue Kennedy, Clerk, Ken Diskin, Julie M. Murray

Also Present: Mark Archambault, Town Planner

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

General Business

Approve the Agenda

At 6:15 PM Ms. Sue Kennedy made a motion to approve the agenda as presented. Ms. Julie Murray seconded.

Discussion:

Administrative Coordinator, Heather Hampson requested that an invoice for The Lowell Publishing Company be added to the agenda for payment.

Vice-Chairman Geof Tillotson requested that the minutes from September 11, 2018 and September 27, 2018 be removed from the agenda and voted on at the next meeting.

At 6:17 PM Ms. Sue Kennedy made a motion to approve the agenda as amended. Ms. Julie Murray seconded. No discussion. Unanimous vote to approve. (4-0-0)

Public Hearing Proposed Zoning Bylaw Amendments

Present: Charlie Shultz, Zoning Enforcement Officer/Building Commissioner

At 6:18 PM Ms. Sue Kennedy read aloud the two public hearing notices opening a public hearing for the proposed zoning bylaw amendments as printed in the Nashoba Voice on September 14, 2018, September 21, 2018 and September 28, 2018.

Town Planner Mr. Mark Archambault gave a general background on the new Zoning Bylaw that was passed at the Special Town meeting back on March 19, 2018. Mr. Archambault stated that since the Zoning Bylaw has passed and been in effect some minor revisions have come up that need to be made to some of the sections.

Mr. Archambault stated that he had been working with Mr. Charlie Shultz, Zoning Enforcement Officer/Building Commissioner on some of the revisions to the Zoning and has asked him to join him at the meeting tonight to go over the proposed changes that they are proposing.

Article 2

Mr. Archambault stated that the first proposed change to the Zoning Bylaws are to the definitions section. The proposed changes include adding accessory apartments to the definitions and changes to home occupation, corner lots and frontage lots.

Mr. Charlie Shultz explained to the Board his reasons for the changes to the definitions.

Article 3

Mr. Archambault moved on to the next proposed amendment to the Bylaws which are for Site Plan Review under Section 3.5 of the Bylaw, stating that the proposed change is under Section 3.5.1.A.4 and 3.5.1.B.3.

Mr. Shultz went over his reason for the change to Section 3.5.1.A.4 which refers to single and two-family dwelling and Section 3.5.1.B.3 which refers to parking spaces for existing non-conforming.

Ms. Sue Kennedy questioned the need to have the exception to the Site Plan requirements.

Mr. Shultz gave his reasons for the exception. And the Board held a brief discussion on the matter.

Article 2

Ms. Kennedy stated that she also had some question regarding the change to the definitions regarding the home occupation and accessory apartments.

Mr. Shultz explained to Ms. Kennedy, and the Board the reason he added the item to the definitions and the need for it.

Ms. Julie Murray left the meeting (7:00 PM)

The Board had a brief discussion regarding the need for the change to the home occupation definition and accessory apartments.

At 7:12 PM Mr. Ken Diskin made a motion to give a favorable recommendation to Article 2 of the Warrant to Town Meeting. Ms. Sue Kennedy seconded.

Discussion:

Ms. Kennedy stated that she feels the definitions are not ready for Town Meeting vote, as there is more that needs to be reviewed and possibly added to the amendments.

Mr. Diskin stated that he agrees with Ms. Kennedy but feels Mr. Shultz and Mr. Archambault worked hard to get the amendments done and ready for town meeting.

Vote 2-1, Ms. Sue Kennedy opposed.

Article 3

At 7:14 PM Ms. Sue Kennedy made a motion to give a favorable recommendation to Article 3 of the Warrant to Town Meeting. Mr. Ken Diskin seconded. Unanimous vote to approve. (3-0-0)

Article 5

Mr. Archambault stated that Article 5 addresses Section 6.3 of the Zoning Bylaw and most of it was drafted Mr. Shultz.

Vice-Chairman Tillotson asked the Board members if they had specific questions regarding the changes to Section 6.3.

Ms. Kennedy had a question on the wording to section 6.3.G.

Mr. Diskin stated that there appears to be a typo within the Town Warrant.

Mr. Shultz reread the Warrant Article and stated that the wording was wrong as printed.

Ms. Kennedy stated that she also had some concern with Section 6.3.K regarding deck and Section 6.3.D regarding unroofed porches being removed.

Mr. Shultz stated his reasons for have added and removing the items.

The Board had a brief discussion regarding the rewording for Section 6.3.G and Ms. Kennedy's concerns with 6.3.D and 6.3.K.

At 7:34 PM Ken Diskin made a motion to recommend Article 5 of the Warrant with the following floor amendments to remove Section 6.3.K from the amended Zoning Bylaws, remove "unless approved by the Building and Fire Departments" to the second part of Section 6.3.G. Ms. Sue Kennedy seconded.

Discussion:

Mr. Ken Diskin stated that the Warrant posted has many mistakes for Article 5 but feels that it can be corrected on the floor with amendments.

Unanimous vote to approve. (3-0-0)

Mr. Charlie Shultz left the meeting

Article 4

Mr. Archambault went over the details on the amendments for Section 3.5 of the Zoning Bylaw. The amendments include the addition of Section 3.5.8 which details calculating the number of units in developments that are approved by Site Plan.

The Board held a brief discussion on the Article.

At 7:53 PM Ms. Sue Kennedy made a motion to recommend Article 4 of the Warrant to Town Meeting. Mr. Ken Diskin seconded. No discussion. Unanimous vote to approve. (3-0-0)

Article 6

Mr. Archambault went over the amendments to Section 10.1.3.C of the Zoning Bylaws which deals with the land left preserved in an Open Space Residential Subdivision Plan.

At 7:59 PM Ms. Sue Kennedy made a motion to recommend Article 6 of the Warrant to Town Meeting. Mr. Ken Diskin seconded. No discussion. Unanimous vote to approve. (3-0-0)

Article 7

Mr. Archambault stated the Article 7 addresses changes to Section 7.2 of the Zoning Bylaw and was drafted by Mr. Shultz for non-conforming single and two-family developments.

The Board had a brief discussion regarding Section 7.2.A.2.b, gross floor area; and Section 7.2.A.1.a regarding non-conformity.

At 8:14 PM Mr. Ken Diskin made a motion to recommend Article 7 of the Warrant to Town Meeting. Ms. Sue seconded.

Discussion

Mr. Diskin stated that an amendment should be made on the Town Meeting floor to withdraw Section 7.2.A.1.a.

Ms. Kennedy agreed.

Mr. Archambault stated that it might be better to just pull the Article and revisit the changes in the spring.

Vote: 0-3., vote did not pass.

At 8:17 Mr. Ken Diskin made a motion to pull Article 7 from the Warrant for Town Meeting. Ms. Sue Kennedy seconded. No discussion. Unanimous vote to approve. (3-0-0)

Article 9

Ms. Kennedy suggested that the Board vote to pull Article 9 as well. Ms. Kennedy stated that she feels there is not enough detail in the proposed Section 5.3.2 for Accessory Apartments to allow it to move forward to Town Meeting.

Mr. Archambault stated that the proposed is the same that was proposed back in March but was pulled before Town Meeting.

Mr. Diskin stated that he agreed with Ms. Kennedy and that more detail could be added to the Bylaw before it is put into place.

At 8:25 Mr. Ken Diskin made a motion to pull Article 9 from the Warrant for Town Meeting. Ms. Sue Kennedy seconded. No discussion. Unanimous vote to approve. (3-0-0)

Article 8

Mr. Archambault stated that the proposed amendments are to Section 9.1.5 for Off Street Parking and were drafted by Mr. Shultz. He went on to state that he agrees with the changes.

At 8:29 PM Ms. Sue Kennedy made a motion to recommend Article 8 of the Warrant to Town Meeting. Mr. Ken Diskin seconded.

Discussion

Ms. Kennedy stated that she had concern with allowing cars to be parked within 8 feet or closer to a dwelling and felt that there should be no exception to the setback requirements.

Vote: 2-1, Ms. Sue Kennedy voted against.

At 8:37 PM Ms. Sue Kennedy made a motion to close the public hearing. Mr. Ken Diskin seconded. No discussion. Unanimous vote to approve. (3-0-0)

Administrative Items – New Business

Vice-Chairman Tillotson stated that the Board has an outstanding bill from Lowell Publishing Company in the amount of \$162.58 to be paid.

At 8:45 PM Ms. Sue Kennedy made a motion to approve the payment in the amount of \$162.58 to The Lowell Publishing Company for public hearings. Mr. Ken Diskin seconded. No discussion. Unanimous vote to approve. (3-0-0)

Meeting Adjournment

At 8:48 PM Mr. Ken Diskin made a motion to adjourn. Ms. Sue Kennedy seconded. No discussion. Unanimous vote to approve. (3-0-0)

Minutes recorded and submitted by Heather Hampson, Administrative Coordinator

Planning Board Approval 10-23-18
Date

Planning Board Clerk (Sue Kennedy)

Sue Kennedy