



PLANNING BOARD
Town of Ayer
1 Main Street, Ayer, MA 01432
Tel: (978) 772-8220 ext. 144 | Fax: (978) 772-3017 |
Planning@Ayer.MA.US

RECEIVED
APR 07 2022
TOWN OF AYER
TOWN CLERK
12:55 pm

April 12, 2022

****6:15PM ****

Open Session Meeting of the Ayer Planning Board
Agenda

6:15 PM

Call to Order

General Business

- Approve Agenda
- Covenant/Bond Releases – none

Public Hearing Site Plan Review, 0 Littleton Road, Elizabeth Hamilton

Continued Public Hearing, Citizen Petition Zoning Bylaw Amendment

Town Planner Update

- Announcements
- Presentation and discussion on MBTA Communities Act

Meeting Minutes March 22, 2022

Administrative Announcements

Old Business / New Business

Adjourn

Upcoming meetings: April 26th and May 10th

*All meetings are held at Town Hall unless posted otherwise. Order of agenda items may change without notice. Amendments may be made to the agenda to include any emergency or time sensitive material that was unforeseen at the time the agenda was posted. All meetings are subject to video recording.

NOTE: There are several sections to this application.
form before proceeding.

Please read the entire application

1. OWNER/PETITIONER: Elizabeth Hawton
Address 64 Woodside Rd Harvard Ma 01451
Telephone 978 549-4153
E-mail Bjlan45@gmail.com

2. AGENT FOR OWNER (if applicable): St M Realty Trust / Mark Feermanian
Address 51 Littleton Rd Ayer Ma
Telephone 978-857-8607
E-mail mfeermanian@~~gmail.com~~
verizon.net

3. PLAN INFORMATION:

Plan Title: Site Plan for The Grateful Dog Concessions
Revision Date: March 18, 2022
Prepared By: Elizabeth Hawton
Address: 64 Woodside Rd Harvard Ma
Phone Number: 978 549 4153

REASON FOR SITE PLAN:

Construction, alteration or expansion of, or change in use, within a municipal, institutional, commercial, industrial or multi-family structure.

Construction or expansion of any parking lot for a municipal, institutional, commercial, industrial, or multi-family structure or purpose involving five (5) or more new or additional parking spaces.

Clearing or grading more than 10,000 sq. ft. of land, unless specifically exempt under Section 9.6 of the Ayer Zoning Bylaw.

Any use requiring a special permit, except that where a single-family or two-family dwellings require a special permit, site plan review shall not apply.

All new commercial and industrial construction.

CHECK LIST FOR SUBMISSION

SITE PLAN INFORMATION REQUIRMENTS:

- Proposed square footage of all proposed and existing buildings
- Setback Limits
- Identify Use
- Hours of Operation
- Number of Employees
- Number of Parking Spaces
- Stormwater Report
- Certified Abutter List
- Table containing area of new or existing buildings proposed and use
- Seating capacity

PLAN REQUIRMENTS

General Information

- Date of Site Plan
- North Arrow
- Title or name of project
- Locational information for the project
- Owner of Record
- Plan Preparer
- Scale
- Locus Map
- Current Zoning
- Location of all buildings proposed and or existing
- All buildings, property line and or wetland resource area setbacks
- Boundaries for lots, streets, easements, right-of-ways, ect.

Buildings, Structures, and Appurtenances

- Proposed use and location of all buildings, including proposed grades and structure height
- Layout of proposed buildings and structures, including elevations and architectural renderings.
- Exhibits to indicate the visual impact on the surrounding areas
- Any and all existing non-conformities.
- Detailed signage plans

Landscaping, Open Space, Drainage, Stormwater and Environmental Features

- _____ Location and square footage of all existing and proposed impervious areas
- _____ Location of all wetlands, water bodies, wells, one-hundred year storm flood elevation, and all other natural features including streams, drainage channels and other environmental features
- _____ Any and all jurisdictional wetland resource areas
- _____ Location and description of proposed natural and manmade open space and recreational areas.
- _____ Location and estimated yield of any groundwater aquifers and well head protection
- _____ Estimated habitat areas
- _____ Any and all erosion control measures
- _____ Location of any hazardous materials
- _____ Location of any proposed or existing above or underground storage tanks
- _____ Location of any existing or proposed septic systems and leach fields
- _____ Location of all soil boring and test pits
- _____ Location and description of all stormwater managements systems
- _____ Detailed landscaping plan

Utilities

- _____ Location of all proposed or existing utilities lines either above or under ground
- _____ Location of all proposed or existing utility poles
- _____ Location of any fire alarm and terminal boxes
- _____ Location of any and all fire hydrants
- _____ Location of all proposed and or existing water and sewer lines

Vehicular Traffic, Circulation and Parking

- Traffic flow patten within the site
- _____ Traffic impact statement
- Number and location of existing and proposed parking spaces

Pedestrian and Bicycle Circulation and Safety

- _____ Location and dimensions of any existing or proposed sidewalks
- _____ Location and dimensions of any existing or proposed bicycle path
- _____ Location and rendering of any bicycle storage rack or areas.
- _____ Any existing or proposed striping of pedestrian or bicycle lanes

Outdoor Lighting

- _____ Details on all outdoor lighting
- _____ Photometric plans for all outdoor lighting

6. ANY ADDITIONAL SUBMITTALS AS NEEDED

7. SIGNATURE OF OWNER/PETITIONER Elizabeth Hamilton

Date March 18, 2022

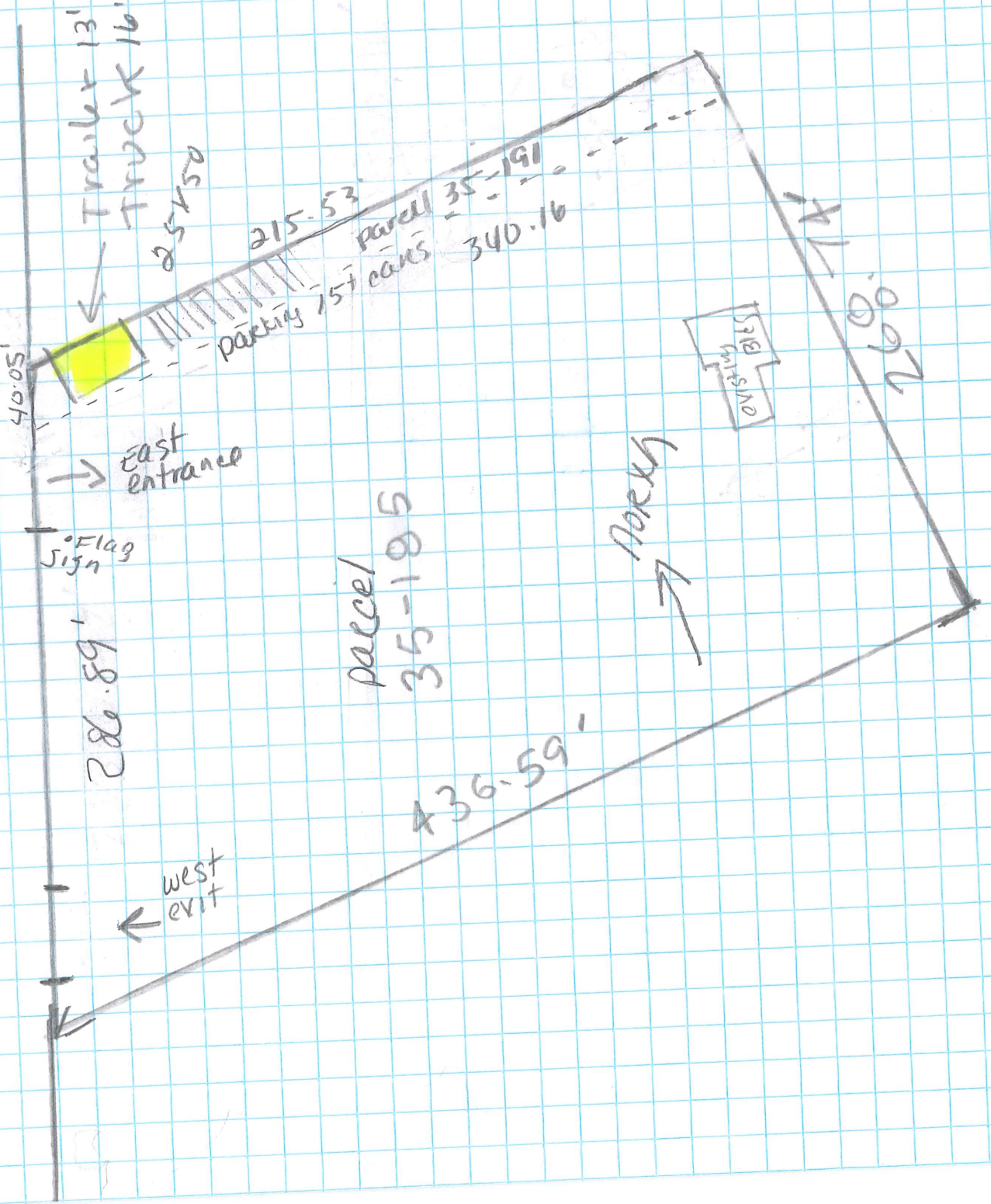
8. SIGNATURE OF AGENT FOR OWNER (if applicable)

Date

9. RECEIVED BY THE AYER TOWN CLERK: Date

60' = 1"

51 Littleton Road



Letter of Intent – Site Plan Review Application
The Grateful Dog – Food Concessions

April 12, 2022

Owner/Petitioner: Elizabeth Hamilton
64 Woodside Road, Harvard Mass 01451

(978)549-4153

Owner: Mark Fermanian S & M Realty Trust
51 Littleton Road, Ayer Mass 01432

(978)-857-8607

Elizabeth Hamilton is proposing to use a portion of the subject property known as 51 Littleton Road, Ayer, Mass. Parcel 35-185 & 35-191 to set up a small concession trailer to sell Hot Dogs. The mission is to have a friendly, fun place to get a quick lunch and will add value to the community. The concessions will consist of Hot dogs and cold drinks.

The hours of operation will be 11 am – 3 pm. The owner Elizabeth Hamilton will be the sole employee (exception - 1 part time helper when needed)

Access to concessions will be via the existing road, there will be no changes. Existing entrance near east telephone pole allows sufficient room for entry and exit. Additional exit is at the western side of lot as noted. There is sufficient parking to accommodate a lunch business with proposed lines for at least 15 cars.

The concession trailer is 12" long and will be pulled by a 16' Tacoma pickup truck and will be parked on the east entrance of parcel. This lot was previously occupied by Wild Bills food concessions.

In addition to the trailer, a flag approximately 2' wide x 5' high will be displayed near the road to show the business is open (see plot plan) This sign will be temporary and removed daily.

The site is suitable for proposed concession because it is zoned business.

A condition to note will be dates of operation. The site will be used as a seasonal business from April to October and subject to weather conditions.

There has been much enthusiasm from the community for the opening of The Grateful Dog. Having an additional lunch option other than a fast-food chain, with a fun friendly experience is much welcomed. I believe this will be a pleasant addition to the existing site.

Elizabeth Hamilton



Date: March 17, 2022

March 19, 2022

John F. Gervais
S&M Realty Trust
5 Littleton Rd.
Ayer, MA 01432

Vendor Location Permission Form for:

The Grateful Dog

John Gervais of S&M Realty Trust hereby gives permission for Beth Hamilton of The Grateful Dog to use a portion of the property at 51 Littleton Rd for the setup and display of their mobile food business.

Placement and setup: shall be approx. 20' x 50' at a mutually agreed upon location on the site.

Area for use not to exceed: what is designated above and agreed to between the parties

Days/Hours of Operation: 9-am to 5pm

Terms: This agreement can be terminated by either party with 15 days written notice.

Rent: Rent shall be \$500 per month.



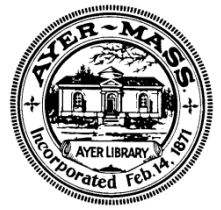
John F. Gervais, Trustee

3/20/2022



Town of Ayer

Office of the Town Planner



Town of Ayer | Ayer Town Hall | 1 Main Street, 3rd Floor | Ayer, MA 01432 | 978-772-8218 | www.ayer.ma.us

Staff Report # 1.5: Elizabeth Hamilton, Mobile Food Operation

Prepared by Mark Archambault, Ayer Town Planner

Date: April 7, 2022 for the April 12, 2022 Planning Board Meeting

Site Location / Zoning District(s): 0 / 51 Littleton Road / General Business District / General Business

Assessor's Map and Parcel Numbers: Map 35, Lot 185 and Map 35, Lot 191

Tract or Parcel Size Undergoing Development: Combined area of Lots 35-185 and 35-191 is 100,885 square feet.

Type of Application: Site Plan Review, 'Change of Use' in a municipal, institutional, commercial, industrial or multi-family structure.

Other Permits needed: **Board of Health** for Food Operation; check with **Fire Dept.** re LPG hook-up

Applicant: Elizabeth Hamilton

Landowner if different from Applicant: S&M Realty Trust, Mark Fermanian

Engineer or Surveyor: Applicant

EXECUTIVE SUMMARY / KEY POINTS FOR THE PB TO CONSIDER:

- Forthcoming for the next Staff Report on this application, as a few administrative and procedural issues have arisen that will be discussed at the April 12 meeting.

Waiver Discussion: Due to the unconventional nature of this Site Plan with no buildings or fixed location, I believe that many of the submittal items called for in the Site Plan Regulations are not applicable to this application. I list these for the Planning Board to consider (for next meeting).

- Waiver Item 1: **Stormwater Report**, Ayer Stormwater Bylaw and Regulations
- Waiver Item 2: **Landscaping Plan**, Sections 9.1.6 and 9.2, Ayer Zoning Bylaw
- Waiver Item 3: **Full Traffic Study**
- Waiver Item 4: **Outdoor Lighting / Photometric Plan**, Section 9.3.C AZB

Project Description and Interdepartmental Review

- a. Location Description and Surrounding Neighborhood (inc. Locus Map from Assessor's Maps and Google Earth) Note:



Project locus from Mr. Mapper. The Mobile Food Operation is proposed at upper right of large parking lot. I recommend that the exact location be determined based on PB Site Visit.

Project Proposal: See “Letter of Intent” reproduced here:

Letter of Intent – Site Plan Review Application
The Grateful Dog – Food Concessions

April 12, 2022

Owner/Petitioner: Elizabeth Hamilton
64 Woodside Road, Harvard Mass 01451

(978)549-4153

Owner: Mark Fermanian S & M Realty Trust
51 Littleton Road, Ayer Mass 01432

(978)-857-8607

Elizabeth Hamilton is proposing to use a portion of the subject property known as 51 Littleton Road, Ayer, Mass. Parcel 35-185 & 35-191 to set up a small concession trailer to sell Hot Dogs. The mission is to have a friendly, fun place to get a quick lunch and will add value to the community. The concessions will consist of Hot dogs and cold drinks.

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Access to concessions will be via the existing road, there will be no changes. Existing entrance near east telephone pole allows sufficient room for entry and exit. Additional exit is at the western side of lot as noted. There is sufficient parking to accommodate a lunch business with proposed lines for at least 15 cars.

The concession trailer is 12” long and will be pulled by a 12’ Tacoma pickup truck and will be parked on the east entrance of parcel. This lot was previously occupied by Wild Bills food concessions.

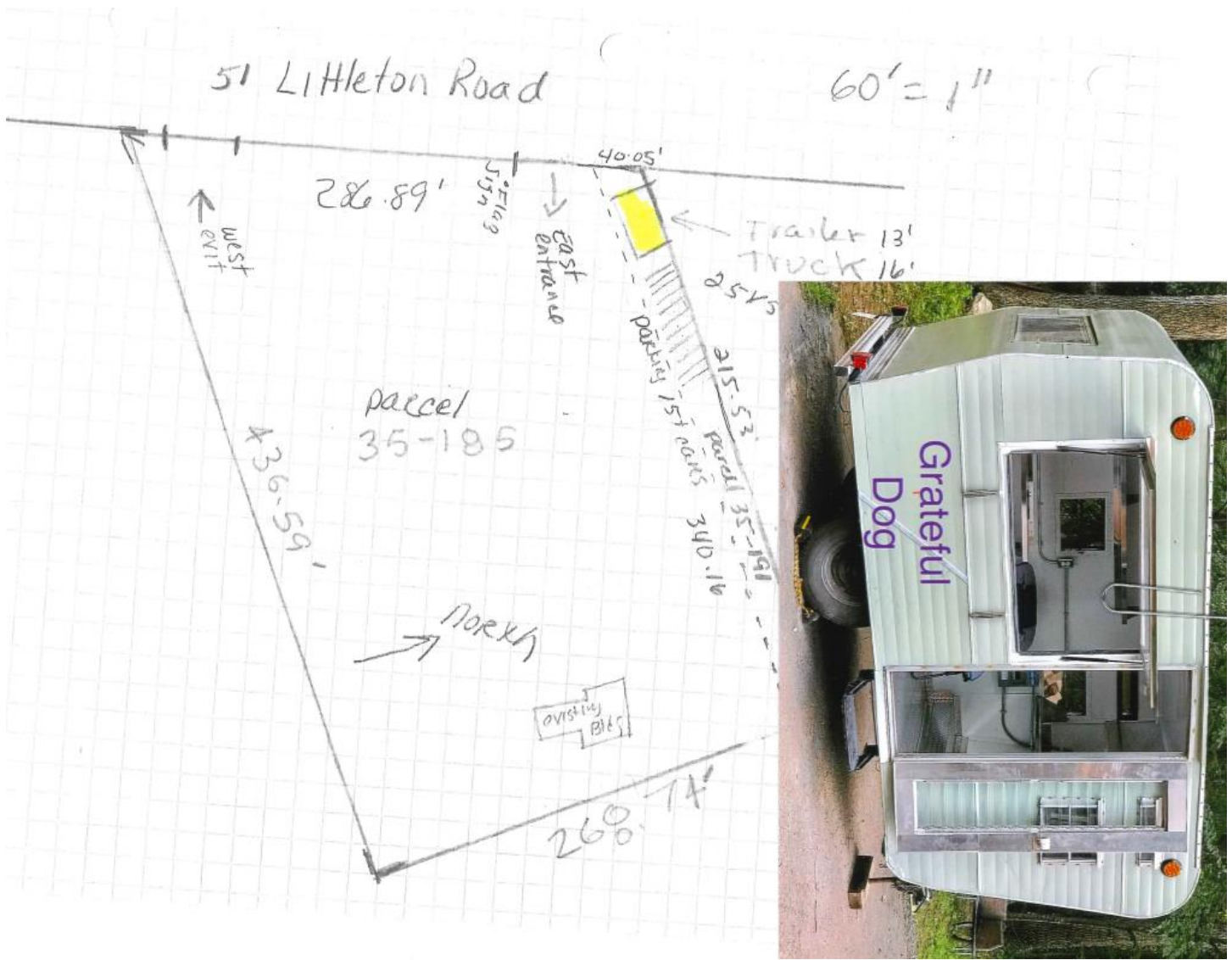
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In addition to the trailer, a flag approximately 2' wide x 5' high will be displayed near the road to show the business is open (see plot plan) This sign will be temporary and removed daily.

The site is suitable for proposed concession because it is zoned business.

A condition to note will be dates of operation. The site will be used as a seasonal business from April to October and subject to weather conditions.

There has been much enthusiasm from the community for the opening of The Grateful Dog. Having an additional lunch option other than a fast-food chain, with a fun friendly experience is much welcomed. I believe this will be a pleasant addition to the existing site.



Interdepartmental Reviewer's Comments:

Building Commissioner: "It is my opinion that there are too many different scenarios that can arise if this is not thought through thoroughly."

1. Traffic impact on the area; 2. Rest room facilities; 3. Trash / debris; 4. Outdoor seating; 5. Do they get taxed? Other food establishments that own a building / property pay a commercial tax rate. For these reasons I believe there should be in regulations in place before the town approves any mobile food trucks.

Board of Health: "The food truck will need to be licensed and an inspection will be required prior o operating. These is currently no application (to the BOH) that has been submitted. No bathroom facilities are available. Will the PB allow portable toilets? Recommend a traffic impact study." - Bridgette Braley, NABOH

Fire Department: "If the LPG tanks to run the operation are connected in the trailer no permit is needed. If the tanks are outside on the ground and greater than 42 pounds a permit is needed from the Fire Department." – Chief Johnston

Police Department: "No concerns at this time".

Conservation Commission: "No conservation issues"

Tax Collector: "Taxes are current."

Assessor's Office: "Approved."

Town Clerk: "No issue with Clerk's office."

DPW: Comments have yet to be received as of April 7.

I. Applicable Zoning, Site Plan and/or Subdivision Regulations

a. Zoning District(s) and Applicable Dimensional Requirements:

Zoning District: GB. Min. Lot Area: 15,000 sq.ft. / Min. Frontage: 100 feet /
Min. Front yard: 30 feet / Min. Side Yard: 25 feet / Min. Rear Yard: 30 feet

b. **Waivers:**

Due to the unconventional nature of this Site Plan with no buildings or fixed location, I believe that many of the submittal items called for in the Site Plan Regulations are not applicable to this application. I list these for the Planning Board to consider (for next meeting).

- Waiver Item 1: **Stormwater Report, Ayer Stormwater Bylaw and Regulations**
- Waiver Item 2: **Landscaping Plan, Section 9.1.6 and 9.2 Ayer Zoning Bylaw**
- Waiver Item 3: **Full Traffic Study**
- Waiver Item 4: **Outdoor Lighting / Photometric Plan: AZB Section 9.3.C**

- c. Needed Reviews, Approvals and Permits: In addition to Site Plan, a Section 9.6 Land Clearing and Grading and a Stormwater Management Permit are needed.

II. Recommendations

- a. Recommendations for Upcoming Meeting: To be discussed at the April 12 meeting.
- b. Recommended Planning Board action: To be discussed at the April 12 meeting.
- c. Recommended Planning Board Findings: To be completed for meeting at which PB action is anticipated.

The Planning Board FINDS that the Site Plan for ...

- d. Recommended Planning Board Conditions: To be completed for meeting at which PB action is anticipated.

The Planning Board votes to ...

Dan Van Schalkwyk, P.E., Director
 Pam Martin, Business Manager

25 BROOK STREET
 AYER, MASSACHUSETTS 01432
 T: (978) 772-8240
 F: (978) 772-8244

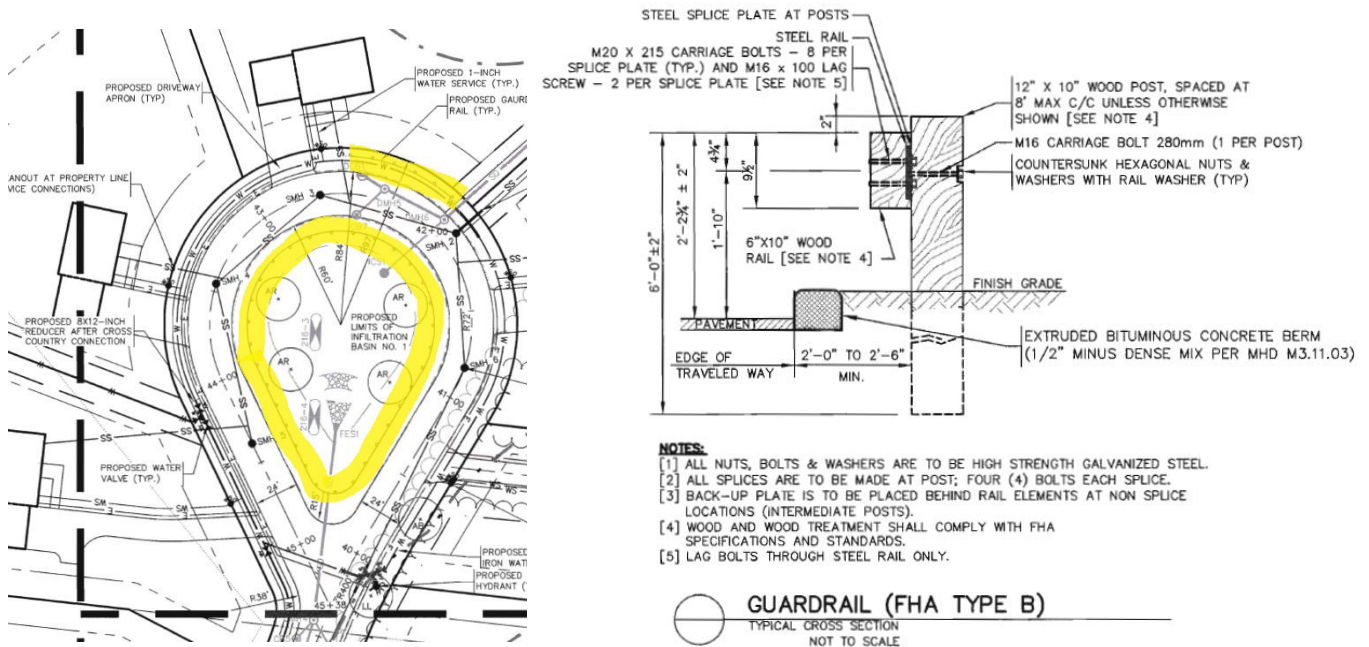
April 7, 2022

Mr. CJ Moore
 22 West Main Street
 Ayer, MA 01432

Re: Guard Rail on Pleasant Street Extension

Dear CJ:

The guard rail installed at the end of Pleasant Street Extension is a W-Beam corten steel guardrail. It's similar to a standard steel galvanized guardrail but is rusty in appearance. The guardrail specified for the project is wood guardrail per the below detail from the approved Subdivision Plan.



Through communications between you and I, you've indicated there was a verbal approval from the former Director of Public Works to install the corten steel guardrail instead of the wood guardrail. I communicated with the former Director of Public Works and he does not remember authorizing the installation of corten steel guardrail. Although the corten steel guardrail meets regulatory crash requirements, it does not have the same aesthetic characteristics as the wood guardrail.

Based on the above, the wood guardrail was specified and there is no clear authorization to install a different product. In my opinion, the corten steel guardrail should be replaced with the wooden guardrail prior to the Town accepting the street. It's a nicer looking product, matches the installation



Guard Rail on Pleasant Street Extension
April 7, 2022

on nearby Nashua Street Extension, and was approved for the Subdivision. I believe the Planning Board would agree with me, but I cannot speak for them. Please let me know your response to resolve this issue.

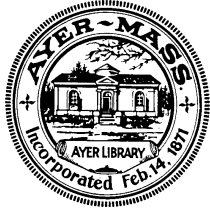
Sincerely,



Dan Van Schalkwyk, PE.
Town of Ayer
Director Public Works

cc: Ayer Planning Board





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Town of Ayer

1 Main Street, Ayer, MA 01432

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Draft

Minutes of March 22, 2022 - Ayer Planning Board Meeting

Location: via Zoom

Meeting was recorded and then broadcasted on APAC

Members Present: Geof Tillotson, Chairman; Ken Diskin, Vice Chairman; and Jonathan Kranz, Clerk, and Nathan King

Also Present: Mark Archambault, Town Planner

Absent: Julie Murray

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

At 6:15 PM Chairman Tillotson read aloud the notice allowing for remote participation meetings as stated on the posted agenda.

General Business

Approve the Agenda

At 6:17 PM Mr. Jonathan Kranz made a motion to approve the agenda as presented. Mr. Ken Diskin seconded. No discussion. Vote to approve by roll call vote: Mr. Jonathan Kranz, aye; Mr. Nathan King, aye; Mr. Ken Diskin, aye and Chairman Tillotson, aye

Covenant and Bond Releases – None

Review ANR Review, ANR Groton School Road, 1 Parcel, Januskiewicz, David. E. Ross Assoc.

Present: Kevin Conover, Engineer/representative David E. Ross Associates

Mr. Kevin Conover went over and location of the property and the details of the plans which include a parcel of land approximately 3,700 sq.ft. to be added to an existing lot. The addition of this parcel will not make any lot non-conforming, and all lots meet current Zoning Requirements.

Mr. Mark Archambault stated that the parcel of land will be transferred from one lot to another. Mr. Archambault shared a copy of the plan from the Town Planner staff report, which unfortunately was an incorrect plan. A correct hard copy of the plan was submitted to the office, but the electronic copy was incorrect and a correct version was sent to the office on Monday the 21st.

Mr. Conover went over the incorrections with those present but the width of the parcel being transferred is correct.

Chairman Tillotson put the correct plan on the screen for those to see.

At 6:24 PM Mr. Ken Diskin made a motion to endorse the ANR plan for Ann Januskiewicz for parcel of land on Groton School Road dated March 2022 as presented. Mr. Jonathan Kranz seconded. No discussion. Vote to approve by roll call vote: Mr. Jonathan Kranz, aye; Mr. Nathan King, aye; Mr. Ken Diskin, aye, and Chairman Tillotson, aye.

Review, ANR East Main Street, 1 Parcel, Roger McPadden, David E. Ross Assoc.

Present: Kevin Conover, Engineer/representative David E. Ross Associates

Mr. Kevin Conover, from David E. Ross stated that the plan shows two existing non-conforming lots on East Main Street. Looking to create a parcel of land around an existing garage at rear part of the property around 4,260 sq.ft. The existing two lots are non-conforming as they do not have enough frontage for the district, but the creation of the parcel will not make the lots more non-conforming. Mr. Conover stated that as in the previous ANR they are trying to fix an existing problem and transfer land from one lot to another.

Mr. Ken Diskin asked if the intent to create a new lot one adding the 4,260 sq.ft. and then not creating a parcel but a lot.

Mr. Conover stated that it is better for descriptive purposes to create the parcel A and then have it added to lot 1 with all the lots lines.

Chairman Tillotson stated that the intent is also listed in the narrative of the application.

Mr. Nathan King asked if there will be a need for a deeded access for the properties or are there separate driveways.

Mr. Conover stated that the majority of the driveway is on lot 1 and there is a back driveway for lot 2 and the attorney for the property feel comfortable with how it is drawn out and see no need for additional access.

At 6:32 PM Mr. Jonathan Kranz made a motion to endorse the ANR plan for East Main Street dated 2022 as presented. Mr. Ken Diskin seconded. No discussion. Vote to approve by roll call vote: Mr. Jonathan Kranz, aye; Mr. Nathan King, aye; Mr. Ken Diskin, aye, and Chairman Tillotson, aye.

Public Hearing, Zoning Bylaw Amendment – Light Industrial district correction

At 6:35 PM Mr. Jonathan Kranz made a motion to open the Public Hearing for the Zoning Bylaw Amendment for the change in the Light Industrial Zoning District Table of Use. Mr. Nathan King seconded. No discussion. Vote to approve by roll call vote: Mr. Jonathan Kranz, aye; Mr. Nathan King, aye; Mr. Ken Diskin, aye, and Chairman Tillotson, aye.

At 6:36 PM Chairman Tillotson read aloud the Public Hearing notice as posted.

Mr. Mark Archambault shared the Table of Use for all those present at the meeting, which showed the incorrect lot size as 120,000 sq. ft. The proposed change is to correct the Table of Use to show the minimum lot size in the Light Industrial Zone as 20,000 sq.ft. as listed throughout the Zoning Bylaw.

There were no questions from the Board or any from the public that were present.

At 6:39 PM Mr. Jonathan Kranz made a motion to give a positive recommendation to the Select Board and Town Meeting for the proposed Zoning Bylaw Amendment for the Light Industrial district correction. Mr. Ken Diskin seconded. No discussion. Vote to approve by roll call vote: Mr. Jonathan Kranz, aye; Mr. Nathan King, aye; Mr. Ken Diskin, aye, and Chairman Tillotson, aye.

At 6:41 PM Mr. Jonathan Kranz made a motion to close the Public Hearing for the Zoning Bylaw Amendment for the change in the Light Industrial Zoning District Table of Use. Mr. Ken Diskin seconded. No discussion. Vote to approve by roll call vote: Mr. Jonathan Kranz, aye; Mr. Nathan King, aye; Mr. Ken Diskin, aye, and Chairman Tillotson, aye.

Public Hearing, Zoning Bylaw Amendment - Definition section of the Ayer Zoning Bylaw, including new definition of multi-family housing, dwellings, and re-ordering of listed definitions

At 6:41 PM Mr. Jonathan Kranz made a motion to open the Public Hearing for the Zoning Bylaw Amendment for the proposed changes to the definition Section of the Ayer Zoning Bylaw. Mr. Ken Diskin seconded. No discussion. Vote to approve by roll call vote: Mr. Jonathan Kranz, aye; Mr. Nathan King, aye; Mr. Ken Diskin, aye, and Chairman Tillotson, aye.

At 6:42 PM Chairman read aloud the Public Hearing notice as posted.

Mr. Archambault went over the proposed reorganization of the definitions and where they will now be placed in the definition section of the Bylaw.

Chairman Tillotson stated that there are some new definitions as part of this amendment as well.

Mr. Archambault mentioned that the definition for dwelling has a few proposed changes. Mr. Archambault went over the other changes as well.

Resident, Sara Withee, had a few questions regarding the changes in the definitions.

Mr. Ken Diskin stated that the definitions are being changed to eliminate any questions between other Boards and Departments on their meaning and have all departments using the same definition.

At 6:53 PM Mr. Jonathan Kranz made a motion to give a positive recommendation to the Select Board and Town Meeting for the proposed Zoning Bylaw Amendment for reorganization of the definition section along with the addition of new definition to the Definitions Section. Mr. Ken Diskin seconded. No discussion. Vote to approve by roll call vote: Mr. Jonathan Kranz, aye; Mr. Nathan King, aye; Mr. Ken Diskin, aye, and Chairman Tillotson, aye.

Public Hearing, Citizen Petition Zoning Bylaw Amendment- Ted Maxant Re-zone property on Harvard Road

Present: Ted Maxant, petitioner for the rezoning

At 6:54 PM Mr. Jonathan Kranz made a motion to open the public hearing for the Citizen Petition for a Zoning Bylaw Amendment. Mr. Nathan King seconded. No discussion. Vote to approve by roll call vote: Mr. Jonathan Kranz, aye; Mr. Nathan King, aye; Mr. Ken Diskin, aye, and Chairman Tillotson, aye.

At 6:54 PM Chairman Tillotson read aloud the legal notice.

Mr. Archambault shared a GIS image of the parcel in question for rezoning along Harvard Road. Mr. Archambault went the parcel of land in question as well as showing the location of the recent rezoning of the abutting property that occurred at Fall Town Meeting.

Mr. Ted Maxant gave a brief background on the property on Harvard Road, stating that it has always been used as a commercial use and not residential. Mr. Maxant also mentioned that the property has been taxed commercial as well. Mr. Maxant stated that with the deed restrictions on the property and general business, is the best use of the property, Global placed many restrictions on the property. Mr. Maxant stated that he applied to the Zoning Board of Appeals when he started selling honey and when he didn't hear back regarding his application locked up the honey business before leaving the area.

Mr. Ken Diskin stated that the property is currently being used for a different propose then what is being showed on the screen on Mr. Mapper prior to getting the rezoning decision from Town Meeting and asked Mr. Maxant to speak to what it on the property now.

Mr. Maxant stated that the front building is the self-service honey hut with no employees present. Mr. Maxant stated that the back section is being leased by Flagg Welding but didn't know it was not an approved use due to how the property is taxed, there is also a landscaping company parking some equipment on site but are on the general business zoned parcel of land.

Chairman Tillotson stated that the confusion may be that the property my be taxed as business but is zoned residential, also the Zoning Enforcement Officer has mentioned the violation of use on the property.

Mr. Maxant stated that it was the Zoning Enforcement Office that suggested that he apply to the Zoning Board for the use of the property and in the meantime would allow the use to continue. The Zoning Board of Appeals application went to the Clerk's office but never got scheduled on an agenda and there is no time left to go before town meeting, so the best option is for the rezoning petition.

Mr. Diskin asked if there was any information regarding the Zoning Board of Appeals application.

Mr. Archambault stated that he does not have a copy of the Zoning Board application that Mr. Maxant submitted.

Chairman Tillotson stated that he did some reach on the application that was submitted to the ZBA and it was not a complete application, so it was never placed on the agenda.

Mr. Diskin stated that the property should be in general business and to get his endorsement on the article all the businesses need to be removed from the site and once rezoned and if allowed they can return. Currently the property has these businesses on site which are not allowed by current zoning which can appear to be misleading to residents prior to town meeting.

Mr. Maxant mentioned that he can request the owner of the landscaping company to remove his equipment from the property.

Mr. Diskin stated that he would like to see only what is allow by current zoning on the property prior to town meeting as well as a new application submitted to the ZBA for the business Mr. Maxant currently has on the site before he will endorse the proposed petition.

Mr. Maxant stated that the honey hut has been closed on the property.

Mr. Jonathan Kranz stated that he agreed with Mr. Diskin.

Mr. Archambault mentioned that Site Plan Review would also be needed for the property prior to any business being allowed to operate on the property.

Mr. Maxant that he is not sure what he will do with the property now and will wait to see what happens at town meeting before anything happens with the property and if a business comes that requires ZBA approval he will apply.

Chairman Tillotson thanked Mr. Maxant for his understanding on the matter and asked Mr. Maxant if he would indeed ask the existing businesses on site to move off the property.

Mr. Maxant stated that he will ask Flagg welding to close the business not site but will not ask him to remove his equipment as he has nowhere to go.

Chairman Tillotson stated that there have been complaints regarding the use violations on the property and there has been an enforcement letter from the Zoning Enforcement Officer to Mr. Maxant regarding the uses on the property.

Mr. Maxant stated that he will aske the gentleman to remove all the equipment and mentioned that the building has been locked up.

Mr. Kranz wanted to clarify that the welding company will be locked up and the landscaping equipment will be removed.

Mr. Maxant stated that is correct and will have the welding shop closed and the equipment moved.

Chairman Tillotson opened the meeting to the public.

Ms. Pauline Connelly had a few questions for the Board, one asking where the ZBA application was filed.

There was a brief discussion on where the application was filed, wither it was with the Town Clerk or which office.

Ms. Susan Copeland, Town Clerk stated that the ZBA application was not filled with her back in November as she does not take that information and they should be filled with the Assistant Town Manager, Carly Antonellis as she is the administrator for the ZBA.

Ms. Connelly's second question was regarding the complaints Chairman Tillotson mentioned regarding uses on the property.

Chairman Tillotson stated that he was not sure but knows that the Zoning Enforcement Office has sent violation letters to Mr. Maxant regarding the uses on the property.

At 7:25 PM Mr. Jonathan Kranz made a motion to continue the public hearing for the Citizen Petition for a Zoning Bylaw Amendment to the next Planning Board meeting on April 12, 2022. Mr. Ken Diskin seconded. Vote to approve by roll call vote: Mr. Jonathan Kranz, aye; Mr. Ken Diskin, aye, Chairman Tillotson, aye. Mr. Nathan King abstained.

Public Hearing, Site Plan Review, 65 Westford Road, New England Power

Public Hearing Stormwater Management Permit, 65 Westford Road, New England Power

Present: Joshua Lee Smith, Engineer / Representative for New England Power from Bowditch and Richard Lewis from VHB.

At 7:30 PM Mr. Jonathan Kranz made a motion to open the public hearing for the Site Plan Review for 65 Westford Road. Mr. Ken Diskin seconded. No discussion. Vote to approve by roll call vote: Mr. Jonathan Kranz, aye; Mr. Nathan King, aye; Mr. Ken Diskin, aye, and Chairman Tillotson, aye.

At 7:31 PM Mr. Jonathan Kranz made a motion to open the public hearing for the Stormwater Management Permit for 65 Westford Road. Mr. Ken Diskin seconded. No discussion. Vote to approve by roll call vote: Mr. Jonathan Kranz, aye; Mr. Nathan King, aye; Mr. Ken Diskin, aye, and Chairman Tillotson, aye.

Mr. Joshua Lee Smith shared pictures and plans of the site and proposed work during the hearing.

Mr. Joshua Lee Smith went over the details of the property which is 40 acres in size with an existing electrical substation on site, which is an unmanned substation. The property is within the Industrial Zoning District and has been used as an electrical substation for the last 50 years. The proposed project is for a switching station which will be part of the existing substation. It will be approximately 29,000 sq.ft. in size and located with the existing fenced in area that will have a similar look and feel of the existing substation with gravel ground cover. The location of the substation is around 100 ft off Westford Road. Mr. Smith went over some of the proposed locations of the equipment pads on site. The property has security fencing, and the project will have additional fencing added that will be eight feet in height and one foot of barred wire on top which is part of National Grids requirements.

Mr. Kranz had a question regarding the 100-foot buffer zone line on the plans.

Mr. Diskin stated that they have gone to the Conservation Commission and received an Order of Conditions for the project.

Mr. Smith stated that there will be no change with the access to the site and no change to the site lines there will be no new traffic created as it is unmanned. Mr. Smith addressed the issue with lighting on the site. There will be 25-foot-high poles for the lighting. They are requesting a wavier to the lighting plan require for site plan as there is limited lighting on the site and all existing and proposed lighting meets dark sky requirements.

Mr. Richard Lewis, from VHB addressed the Stormwater Water Management permit, which is a major permit due to the amount of disturbance. Mr. Lewis went over the details of the project outside of the new switching station which include maintenance and additional roadway one site. Mr. Lewis showed the Board members the wetlands located on the site, which they went to the Conservation Commission for approval. Mr. Lewis also showed the Board the location of the new light poles. The total disturbance for the project is about 36,000 sq.ft. with grading. The proposed stormwater management for the site includes two new infiltration swales. Due to the crush stone on site which allows for a large amount of infiltration there is only 860 sq.ft. of new impervious area proposed which is all foundation. Through there is a large amount of disturbance they needed to create the two new vegetated swales which will only be a foot deep and maintained on a regular basis and they are meeting all the stormwater standards as required.

Mr. Nathan King asked to see the two new swales to be pointed out on the plans.

Mr. Lewis showed the location of the swales on the plans.

The Board had a brief discussion on the proposed stormwater system.

Mr. Lewis stated that there is a large amount of soil to be removed from the site, around 2,700 cubic yards and replaced with sand and stone for the proposed expansion.

Chairmen Tillotson commented on a slight typo in the plans that list RIDOT standards for the fill and not MassDOT. This will be corrected, and new plans will be submitted.

Mr. Lewis asked if a signature block needed to be added to the plans.

Chairman Tillotson stated that it will and requested that the new plans have a new revision date on them.

Mr. Diskin had a question regarding work that seems to be in the Westford Road right of way.

Mr. Lewis stated that the work is for a three-way manhole and duct and a pole. Mr. Lewis stated that the work can be pulled off the right of way more and on to National Gird property.

Mr. Diskin asked about the work detail on the duct bank.

Mr. Lewis went over the details of the bank that will have an excavation of around 7 feet but does not have all the electrical details on the duct bank.

Mr. Diskin just wanted to point out that there will be a large amount of work for the duct bank.

Mr. Diskin asked if only two light poles is needed.

Mr. Lewis stated that was all that was requested and at a height of 25 feet it should be enough lighting that is only for tasks on site on the addition.

Mr. Smith went over the landscaping plans for the site, stating that they are proposing arborvitae plantings along the Westford Roadside of the expansion to help with screening. Mr. Smith should a

street view photo of the site to show where the new plantings will go as well as to show the need for the plantings to help with screening. Mr. Smith showed the proposed clearing of some planting at the entrance to the site which include some invasive plants and will plant some more arborvitae in the place of the invasive plants.

Chairman Tillotson thanked Mr. Smith and Mr. Lewis for their time and details on the plans. Chairman Tillotson stated that there are some waivers requested as part of the site plan for the Board to vote on, one being for a photometric plan and requested a detail plan on the 2 light poles to prove they meet the dark skies requirements. Chairman Tillotson also stated that we are also waiting for the DPW comments.

Mr. Archambault stated that was correct the DPW has not submitted comments at this time and did list that as a special condition of approval. Mr. Archambault went over the three waivers that are being requested as part of the Site Plan Review which are all listed within his staff report.

Mr. Nathan King stated that he did not see a scope of work listed on the plans or a limit of disturbance. Mr. King went on to state that there is a large amount of fill leaving the site and did not see a restoration plan for the disturbed areas.

Mr. Lewis stated that on page five of the plans show the limit of disturbance line along the duct bank and for the substation expansion and the vegetation maintenance there is not. HE can add notes to the plan to make it clearer.

The Board agreed to see the notes added.

Chairman Tillotson asked if there was any asphalt roadway on the property for the trucks taking fill off site, listing concern of taking dirt on to Westford Road.

Mr. Diskin asked if the trucks will be driving around the perimeter of the fence and will not be going through the substation to take fill out.

Mr. Lewis stated that he was probably correct and stated that he will have to add a construction entrance.

Mr. King stated that the truck traffic area is the area he is concerned with that will need to be restored.

Mr. Lewis stated that National Grid has strict environmental standards for construction and will have to add more details to the plans to show that.

At 8:20 PM Mr. Jonathan Kranz made a motion grant the waivers to Sections 9.2, Detailed Landscape Plan, Sections 9.1.5 and 9.1.10 for Off Street Parking and Section 9.3.C for a Lighting Plan as requested and listed in the Town Planner report dated March 18, 2022. Mr. Ken Diskin seconded. No discussion. Vote to approve by roll call vote: Mr. Jonathan Kranz, aye; Mr. Nathan King, aye; Mr. Ken Diskin, aye, and Chairman Tillotson, aye.

The Board reviewed the Town Planner's findings for approval and Special Conditions as listed in the Town Planner report dated March 18, 2022.

At 8:27 PM Mr. Jonathan Kranz made a motion that the Planning Board finds that the proposed Site Plan for 65 Westford Road meets the requirements to grant approval with the special conditions as discussed, this evening. Chairman Tillotson seconded. No discussion. Vote to approve by roll call vote: Mr. Jonathan Kranz, aye; Mr. Nathan King, aye; Mr. Ken Diskin, aye, and Chairman Tillotson, aye.

At 8:29 PM Mr. Jonathan Kranz made a motion to approve the Stormwater Management Permit for 65 Westford Road as presented with the conditions as discussed. Chairman Tillotson seconded. No discussion. Vote to approve by roll call vote: Mr. Jonathan Kranz, aye; Mr. Nathan King, aye; Mr. Ken Diskin, aye, and Chairman Tillotson, aye.

At 8:30 PM Mr. Jonathan Kranz made a motion to close the public hearing for the Site Plan Review for 65 Westford Road. Mr. Nathan King seconded. No discussion. Vote to approve by roll call vote: Mr. Jonathan Kranz, aye; Mr. Nathan King, aye; Mr. Ken Diskin, aye, and Chairman Tillotson, aye.

At 8:31 PM Mr. Jonathan Kranz made a motion to close the public hearing for the Stormwater Management permit for 65 Westford Road. Mr. Nathan King seconded. No discussion. Vote to approve by roll call vote: Mr. Jonathan Kranz, aye; Mr. Nathan King, aye; Mr. Ken Diskin, aye, and Chairman Tillotson, aye.

Town Planner Report

Letter of support for Flannigan Pond Project

Mr. Archambault went stated that a letter of support has been requested by the Conservation Commission for their request to the CPC for funding for a project at Flannigan Pond.

Chairman Tillotson stated that the Conservation Commission has place a request for funding with the Community Preservation Committee (CPC) for a feasibility study to find the best location for a boat ramp and is looking for letters of support from other Boards and Commissions.

Mr. Archambault had a draft letter prepared that the Board reviewed.

At 8:37 PM Chairman Tillotson made a motion to send a letter of support from the Conservation Commission to the Community Preservation Committee (CPC) for the feasibility study at Flannigan Pond. Mr. Jonathan Kranz seconded. No discussion. Vote to approve by roll call vote: Mr. Jonathan Kranz, aye; Mr. Nathan King, aye; Mr. Ken Diskin, aye, and Chairman Tillotson, aye.

Meeting Minutes May 12, 2021

At 8:38 PM Mr. Jonathan Kranz made a motion to approve the minutes of the May 12, 2021, meeting as presented. Mr. Ken Diskin seconded. No discussion. Vote to approve by roll call vote: Mr. Jonathan Kranz, aye; Mr. Nathan King, aye; Mr. Ken Diskin, aye, and Chairman Tillotson, aye.

Meeting Minutes of February 22, 2022

At 8:38 PM Mr. Jonathan Kranz made a motion to approve the minutes of the February 22, 2022, meeting as presented. Mr. Ken Diskin seconded. No discussion. Vote to approve by roll call vote: Mr. Jonathan Kranz, aye; Mr. Nathan King, aye; Mr. Ken Diskin, aye, and Chairman Tillotson, aye.

New Business/Old Business

Food Trucks

Chairman Tillotson stated that we currently do not have any Bylaws or requirements to these, so they are allowed. We have an application coming to the Board soon on a mobile food truck and reached out to them to attend this evening they were not able to attend. There was a request that came in today regarding that application and since they are not here can not act on that request. Chairman Tillotson stated that Mr. Archambault and himself have been looking into these types of establishments over the last few days, and will see what occurs when the application comes before the Board at the next meeting.

Meeting Adjournment

At 8:41 PM Jonathan Kranz made a motion to adjourn. Mr. Nathan King seconded. No discussion. Vote to approve by roll call vote: Mr. Jonathan Kranz, aye; Mr. Nathan King, aye; Mr. Ken Diskin, aye, and Chairman Tillotson, aye.

Minutes recorded and submitted by Heather Hampson, Administrative Coordinator

Planning Board Approval _____
Date

Planning Board Chairman (Geof Tillotson)
