

# Town of Ayer

## Office of the Town Planner



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Town of Ayer | Ayer Town Hall | 1 Main Street, 3<sup>rd</sup> Floor | Ayer, MA 01432 | 978-772-8218 | [www.ayer.ma.us](http://www.ayer.ma.us)

### Staff Report #2: Update for August 9, 2022

## STRATTON HILL PRELIMINARY SUBDIVISION PLAN

Prepared by Mark Archambault, AICP, Ayer Town Planner

Date: Friday, August 5 for the **Tuesday, August 9, 2022 Planning Board meeting**

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**Site Location / Zoning District(s):** Access from Wright Road / Residence A-1

**Assessor's Map and Parcel Numbers:** Map 6, Lot 55 (largest piece)

**Tract or Parcel Size Undergoing Development:** Approximately 151 acres

**Other Permits needed** (*most of these will occur concurrently with the Definitive Plan application*):

- Due to the presence of wetlands in the development proportion of the site, **Notices of Intent** will need to be filed with the Conservation Commission for individual lots, leading to **Orders of Conditions**.
- A **Site Plan** must be approved according to the provisions of **Section 9.6** of the AZB, 'Land Clearing and Grading', which can also be submitted concurrently with the Definitive Plan application.
- Stormwater Management Permit and NPDES Construction General Permit
- Driveway / Access Permit \* Final permits or letters as may be needed for the MEPA / MESA processes

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### EXECUTIVE SUMMARY AND PLANNER RECOMMENDATION FOR AUGUST 9, 2022 MEETING

For the August 9 meeting, I suggest that the Planning Board review the scope of work as proposed by **MDM Transportation Consultants**, which the Peer Review working group has determined is the best fit for peer review of traffic issues for this subdivision. The Planning Board should make a motion to endorse retaining MDM as its transportation and traffic consultant. The next step will be for the Town Planner and working group to hold a Scoping Meeting with MDM to go over the proposed scope and decide how best to proceed.

Town Counsel is reviewing the applicability of the dead-end road length and configuration waivers to the Stratton Hill subdivision and will get comments to the Planning Board in time for discussion at the August 23, 2022 meeting. I recommend that the Planning Board not give it's '*sense on the waivers*' until it has received and reviewed those comments.

The Conservation Commission is meeting on August 11, and at that meeting will get a better idea of when they should be able to get their conservation recommendations, based on peer review of the Conservation Analysis, to the Planning Board. The Planning Board will then need to make its own conservation findings after receiving these. I recommend that the PB make its conservation findings before acting on the Preliminary Plan.

## Project Description and Planner's and Interdepartmental Review

- a. Project Proposal: This project proposes a Preliminary Subdivision Plan under Section 10.1 of the Ayer Zoning Bylaw, Open Space Residential Development; and Ayer Subdivision Regulations.
- b. The Subdivision by the Numbers: Note - some of these numbers are subject to verification and correction:
- Total Tract Area: **151 acres**
  - Area of lots: 18.8 acres
  - Total disturbed area: 18.8 acres + area of road: TBD
  - Total Open Space provided: 131.9 acres (87% of tract is open space, 50% required)
  - Area of Jurisdictional Wetland: 6.1 acres
  - Area of Steep Slopes (> 20%): 43.9 acres
  - Percentage of tract that is steep slopes and wetlands: 28.2%
  - Number of House Lots: **35**
  - Range of Lot Sizes: Between a quarter and three-quarters of an acre

### **I. RECOMMENDED PROCESS FOR PLANNING BOARD MEETINGS:**

Step One: Planning Board Chair and/or Town Planner describe the process and order for the conduct of the particular meeting (*applies to subsequent meetings as well*).

Step Two: Town Planner gives his update to the Planning Board and Public.

Step Two: Applicant provides their update and/or responses to the meetings discussion items.

Step Five: Questions and comments from the Planning Board.

Step Six: Questions and comments from the Abutters & Public.

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Decision One: The Planning Board issues its '**conservation findings**', taking into consideration the recommendations submitted by the **Conservation Commission** after its peer review of the Conservation Analysis.

Decision Two: The Planning Board should then consider the **Waivers** from the Subdivision Regulations. It is important to note that the PB cannot issue a binding **vote** on waivers at the Preliminary Plan stage, but rather should provide the applicant with a 'sense of the Board' on whether it is favorably inclined or leaning against later granting the specific waivers. This will be necessary for the applicant in preparing the Definitive Plan.

Decision Three: The Planning Board acts on the Preliminary Plan with either a motion to '**approve**', '**approve with modifications**', or '**deny**' the application.

## II. THE PRELIMINARY SUBDIVISION PLAN PROCESS:

### A) Preliminary Plans under Massachusetts law:

Under Massachusetts Planning Law, Preliminary Plans are intended as an optional first step in working out the basic design features of a subdivision, at which the Planning Board works with the applicant to help ensure that the design being anticipated meets the requirements of the Town's zoning bylaw, subdivision regulations, and other pertinent regulatory requirements. It also affords an early opportunity to determine the number of lots that will result (via a 'Yield Plan' or similar process). Basic engineering and stormwater management considerations can be discussed, but Preliminary Plans do not require final resolution of all engineering details.

The Preliminary Plan process also is intended to better define the basic parameters of the subdivision, such as the road length and design, required waivers and the PB's initial assessment of such, the configuration of the open space, the approximate location of stormwater management basins, peer review studies (i.e., traffic, engineering, etc.), and any state level permits that may be needed under MEPA / MESA, etc.

By the end of the Preliminary Plan review process, the PB must decide to 'approve, approve with modifications or deny' the Preliminary Plan. It must be noted that in the end, Planning Boards must approve subdivision plans that meet the requirements of the applicable zoning bylaws and subdivision regulations. Subdivision approvals are not discretionary like Special Permits and Variances.

An important motive for applicants to go through the Preliminary Plan process is the zoning protection such affords them. "*Submittal of a preliminary plan, followed within seven months by a definitive plan, 'freezes' the zoning in effect with regard to the land shown on the plan for a period of eight years from the date of the endorsement of the definitive plan.*" – Attorney Mark Bobrowski in 'Handbook of Massachusetts Land Use and Planning Law'.

It must also be emphasized that the Planning Board's decision on a Preliminary Plan is non-binding on both the Board and applicant, though good faith negotiations and deliberations would suggest that the Definitive Plan be as close in design to the Preliminary Plan eventually approved by the Planning Board. No construction of a subdivision can commence until the Planning Board approves a Definitive Subdivision Plan.

### B) Yield Plan Requirements under Section 10.1.4 of the Ayer Zoning Bylaw.

Town Planner comments: The applicant has since submitted a revised Yield Plan that now shows conventional lots that meet the underlying zoning of 40,000 sq.ft. lots with 150 feet of frontage, within the building envelope. The applicant's corrected Yield Plan shows thirty-six (36) house lots meeting the underlying zoning requirements.

### **III. ITEMS FOR DISCUSSION AND RESOLUTION BEFORE PLANNING BOARD ACTION ON THE PRELIMINARY PLAN:**

#### **Waiver Requests from the Ayer Subdivision Regulations:**

I asked Town Counsel about the timing of Planning Board action on waivers. She stated that though the applicant should identify needed waivers at the Preliminary Plan stage, that the Planning Board cannot *act* on the waivers at this early stage. **Rather, the Planning Board should, when ready, give the applicant an indication of how it is inclined to vote later during the Definitive Plan process.** It must be noted that like everything else for Preliminary Plans, such indication of the sense of the Board is not binding.

The applicant has identified three (3) items from the Ayer Subdivision Regulations that will require waivers. The applicant has not, however, included the maximum length of a dead-end road as an issue requiring a waiver.

An additional waiver that may be necessary if the existing subdivision road roughed in after the 2004 subdivision approval is deemed *not* vested has to do with the configuration of the turn-around at the end of the road. Section VII. B. 4 of the Ayer Subdivision Regulations states that: b) *Dead-end streets shall be provided at the closed end with a turn-around having an outside paved road diameter of at least eighty feet with a property line diameter of at least one-hundred feet.*”

1. Section VI. H. Landscaping Plan: “A waiver is requested for the Landscaping Plan requirement stated under Section VI – h.”

**Planner’s note:** *The Board should ask the applicant about the scope of this waiver as it sounds from their narrative that they may be planning to submit such with the Definitive Plan application.*

2. Section VI. A.1(p): Signage and Road Striping Plan: “A waiver is requested for the Signage and Road Striping Plan requirement stated under Section VI-(p). All information that would be found on the above-mentioned plan can be observed within the attached Plan Set on other provided sheets”.

**Planner’s note:** *I defer to the DPW for their recommendation on whether this request should be granted.*

3. Section VI. F.2 Test Hole Data: “A waiver is requested for the requirement of test hole data at all proposed streets, along the centerline at two hundred-foot intervals, and at cut sections and areas of questionable foundation material. Test hole Test hole data is provided for all stormwater management areas.

**Planner’s note:** *I defer to the DPW for their recommendation on whether this request should be granted.*

4. **Configuration of dead-end road turn-around:** Section VII. B. 4 of the Ayer Subdivision Regulations states that: b) *Dead-end streets shall be provided at the closed end with a turn-around having an outside paved road diameter of at least eighty feet with a property line diameter of at least one-hundred feet.*” See detailed discussion below. **Note:** the applicant has not identified this as a needed waiver.
5. **Length of subdivision road:** I believe a waiver request from Section VII.B.4.a of the Subdivision Regulations is needed for a subdivision road with one entry / egress (**dead-end streets**) longer than 650 feet. If this waiver is not granted, the resulting subdivision would need to stay south of the powerline easement crossing the tract. **Note:** the applicant has not identified this as a needed waiver.

**Planner's note:** Town Counsel is reviewing the applicability of these last two waivers to the Stratton Hill subdivision and will be able to get comments to the Planning Board in time for discussion at the August 23, 2022 Planning Board meeting. I recommend that the Planning Board not give it's 'sense on the waivers' until it has received and reviewed those comments.

Engineering Peer review: I am close to completing the RFP and will distribute it to the Planning Board to review at the August 23 meeting. This study will commence upon the beginning of the Definitive Plan review.

Stormwater Management Basins and Low-Impact Devt.: Though the Ayer Zoning Bylaw and Subdivision Regulations permit stormwater management facilities to be located in the 'extra' open space above and beyond the minimum of 50% of the tract area, Mass. Fish and Wildlife, as the potential holder of a Conservation Restriction for the property, requires that stormwater basins and other infrastructure not be located within the open space subject to such restriction. Since the amount of open space being provided is well in excess of 50%, the applicant should rearrange the open space so as to accommodate this.

**Interdepartmental Comments:**

Fire Department: 'No Fire Department Issues'

Building Commissioner: 'Approved'

Conservation Commission: Undergoing ConCom review.

Police Department: 'No comment at this time.'

Board of Health: See letter from Chair Steve Slarsky

Dept. of Public Works: Comments have yet to be received

#### IV. Recommendations for the ----- PB meeting

##### Recommended Planning Board Action:

To be completed for the meeting at which action on one or more of the **'three decisions'** is to be made.

To recap, these three decisions are:

Decision One: The Planning Board issues its **'conservation findings'**, taking into consideration the recommendations submitted by the Conservation Commission after its peer review of the Conservation Analysis.

Decision Two: The Planning Board should then consider the needed **Waivers** from the Subdivision Regulations. It is important to note that the PB cannot issue binding votes on waivers at the Preliminary Plan stage, but rather, should provide the applicant with a 'sense of the Board' on whether it is favorably inclined or leaning against later granting the specific waivers. This will be necessary for the applicant in preparing the Definitive Plan.

Decision Three: The Planning Board **acts on the Preliminary Plan** with either a motion to 'approve', 'approve with modifications', or 'deny' the application.

# Town of Ayer

Office of Community & Economic Development (AOCED)

Town Hall - One Main Street - Ayer, MA 01432 - 978.772.8220 X141



To: Mark Archambault, Town Planner

From: Alan S. Manoian, Dir. AOCED

Date: 7/25/2022

Re: Request Placement on August 9<sup>th</sup> Planning Bd. Agenda re: Presentation on proposed amendments to "West Ayer Village" Form-Based Code

The Dir. of Ayer Office of Community & Economic Development (AOCED) requests placement on the agenda of the August 9<sup>th</sup> Ayer Planning Board meeting to make presentation and benefit from dialogue and guidance with regard to the following proposed amendments to the "West Ayer Village" Form-Based Code:

## WAV FBC

### Section 10.5.15 (T.5 Transect)

#### B. Building/Lot Occupation

- Current Maximum Lot Width: 260 ft. maximum
- Proposed Amended Maximum Lot Width: 384 ft. maximum

## WAV FBC

### Section 10.5.16 (T.5.1 Transect)

#### B. Building/Lot Occupation

- Current Maximum Lot Width: 192 ft. maximum
- Proposed Amended Maximum Lot Width: 384 ft. maximum

## WAV FBC

### Section 10.5.15 (T.5 Transect)

#### C. Building Form-Principal Building

- Current Building Maximum Stories: 3-stories
- Proposed Amended Maximum Building Stories: 4-stories

## WAV FBC

### Section 10.5.16 (T.5.1 Transect)

#### C. Building Form-Principal Building

- Current Building Maximum Stories: 3-stories
- Proposed Amended Maximum Building Stories: 4-stories