



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
FEB 09 2023

TOWN OF AYER
TOWN CLERK

3:00 PM

February 14, 2023

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

Open Session Meeting of the Ayer Planning Board

Agenda

Meeting in person at Ayer Town Hall, One Main Street, Ayer, MA

6:15 PM Call to Order

General Business

Approve Agenda
Covenant/Bond Releases

Continued Site Plan, Special Permit (Aquifer Overlay District) and Stormwater Permit hearings - Nasoya Foods USA, 1 New England Way, for a proposed major addition to the manufacturing plant building, with related site improvements.

Site Plan public meeting – Seal Harbor Companies, Central Fire Station, 14 Washington Street, for conversion of the interior space into five (5) residential apartments and a 2-story addition on the south side of the building.

Town Planner Update

Meeting Minutes – November 9 and December 13, 2022

Administrative Announcements

Old Business / New Business

Adjourn

*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.

Application for Site Plan Review

**14 Washington Street
Ayer, MA**

January 2023

**Submitted to:
Ayer Planning Board
1 Main Street
Ayer, MA 01432**

**Submitted by:
Seal Harbor Companies, LLC
179 Great Road, Suite 212
Acton, MA 01720**

**Prepared by:
Goldsmith, Prest & Ringwall, Inc.
39 Main Street, Suite 301
Ayer, MA 01432**

**Project No:
221065**



Table of Contents

Site Plan Review Application

Narrative and Waiver Request

Appendix

Assessor's Map

Locus Map - USGS Quad

Letter of Agent Authorization

ZBA Notice of Decision (4/28/2020)

Certified List of Abutters (300 ft)

Copy of Fee Check

Attachments

"Mixed-Use Development - 14 Washington Street, Ayer, MA"
Prepared for Seal Harbor Companies, LLC by Goldsmith, Prest & Ringwall, Inc.
Dated January 2023.

Fee Check



PLANNING BOARD

Town of Ayer

1 Main Street, Ayer, MA 01432

Tel: (978) 772-8218 | Fax: (978) 772-3017 | Planning@Ayer.MA.US

Ayer Planning Board **Application for Site Plan Review** Filing Instructions

In addition to a **complete** application, the applicant must also provide:

1. Sixteen (16) copies of the completed application form and narrative
2. Ten (10) full size copies of the full plan set
3. Six (6) reduced 11X17 copies of the full plan set
4. One (1) electronic copy of the full application including plans
5. Narrative explaining project in detail
6. Certified abutters list (300 feet)
7. Site Plan Application Fee, \$500.00

***Site Plan Review will be scheduled for a Planning Board meeting AFTER all required materials are received and reviewed by the Town Planner. ***

NOTE: There are several sections to this application. Please read the entire application form before proceeding.

1. OWNER/PETITIONER: Seal Harbor Companies, LLC
Address 179 Great Road, Suite 212, Acton, MA 01720
Telephone 978-881-4788
E-mail mgallagher@Seal-Harbor.com

2. AGENT FOR OWNER (if applicable): Goldsmith, Prest & Ringwall, Inc.
Address 39 Main Street, Suite 301, Ayer, MA 01432
Telephone 978-772-1950
E-mail cgoldsmith@gpr-inc.com

3. PLAN INFORMATION:

Plan Title: Mixed-Use Development, 14 Washington Street, Ayer, MA
Revision Date: _____
Prepared By: Goldsmith, Prest & Ringwall, Inc.
Address: 39 Main Street, Suite 301, Ayer, MA 01432
Phone Number: 978-772-1950

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 REQUIREMENTS

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

- ground
- Location of all proposed or existing utilities lines either above or under
 - 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 _____

Date

8. SIGNATURE OF AGENT FOR OWNER (if applicable)



Date

1/10/23

9. RECEIVED BY THE AYER TOWN CLERK: Date



January 9, 2023

Town of Ayer Planning Board
1 Main Street
Ayer, MA 01432

**Subject: 14 Washington Street
Site Plan/Special Permit Review Application Narrative**

Dear Board Members:

On behalf of our client, Seal Harbor Companies, GPR hereby submits an Application for Site Plan Approval for the project site at 14 Washington Street, the former Ayer Central Fire Station. The Applicant proposes to convert the former Ayer Central Fire Station into five (5) multi-family two-bedroom apartments and one unit of commercial office space. A Special Permit has already been issued by the ZBA for conversion of a non-residential use to a multi-family use.

The existing 0.2± acre lot is in the Downtown Park Street Form Based Code (DPSFBC) zoning district (still referred to as the Downtown Business District in much of the older sections of the Bylaw).

I. BUILDING IMPROVEMENTS

The portion of the existing structure on the property to remain is the original 4,904± sq. ft. brick firehouse including the flat-roofed addition on the north side of the building. The existing non-brick garage addition of 1,420± sq. ft on the southern side of the building is to be removed.

A new 2-story addition is planned on the south side of the original brick firehouse building that will add space for residential use. This addition will occupy a roughly 990 sf footprint on the site, a reduction of nearly 430sf from the previous addition that is being removed. The existing firehouse building plus the planned addition occupies 5891 sf, roughly 63% of the total 9,410 sf parcel area. The available site area on the south side of the building will be used for walkways, green space and will be where a subsurface drainage facility is located.

Goldsmith, Prest & Ringwall, Inc.

The five (5) two-bedroom residential units will be served by six (6) parking spaces to include one visitor space. The six parking spaces provided will be in front of the building directly off Washington Street. These parking spaces will be pavers or other decorative paving material, not bituminous concrete asphalt. This leaves open lawn space in front of the building and allows its façade to be more properly displayed.

The two garage bay doors facing Washington Street will be permanently sealed with no pedestrian access. One (1) existing pedestrian access door facing Washington Street, currently accessed by concrete stairs and stoop, will be retained and improved. An existing at-grade pedestrian access door facing north will also remain. Two (2) additional pedestrian access doors will be added to access the new addition on the south of the building.

II. ZONING and PARKING (Zoning Relief and Special Permits Not Required)

We believe that two sections of the zoning bylaw exempt this building from complying with the parking requirements of the bylaw Section 9.1 *Off Street Parking and Loading*.

Ayer Zoning Bylaw "Section 9.1.1 Applicability, Sub-paragraph B. - This Section 9.1 shall not apply to:

1. Any building, structure or use of land that was existing or lawfully begun or for which a permit was issued prior to the effective date of this Bylaw, except that any change in use to a greater category of parking demand shall be subject to this section."

The beginning premise of this section is that if the building (circa 1934) predates the Ayer Zoning Bylaw (adopted in accordance with Chapter 40A of the General Laws of the Acts of 1975), then Section 9.1 does not apply. This recognizes the existing non-conforming nature of many if not all of the buildings in the downtown area and allows for their re-use or renovation without forcing compliance to requirements they could not reasonably be expected to meet. The only exception would be if the parking demand for this building exceeds that of the original fire house use. So, unless the residential use requires more parking than the original fire station, the entire Section 9.1 *Off-Street Parking and Loading* does not apply, as clearly stated above.

Historical reports of the fire station indicate there were 4 fire engines and 2 ambulances parked inside the building on the site. There were also available approximately 10 parking spaces on the site in front of the building. However, in times of department training, which is usually a weekly occurrence, and in times of emergency fire calls, the parking demand was likely quite a bit more than these available spaces. That parking no doubt utilized the adjacent parking area, especially in the later years prior to the firehouse's decommissioning.

During a fire event, assuming that each vehicle requires a minimum of two firemen to operate, it's not unreasonable to calculate there were at least 12 firemen on site in addition to the 6 fire apparatuses, for a total of 15-18 parking spaces used. During

training events, the entire fire company would have been on site, increasing this number of spaces required beyond the 18 above, perhaps substantially so.

Under the zoning bylaw, 2-bedroom apartments require 2 spaces each, with 5% additional for guests, or a minimum of one space. This would put the required parking at 11 spaces. While it may not be possible to pin down exactly what the demand for parking required by the firehouse was, it is clearly more than the 6 spaces being proposed now, or the 11 spaces required under the zoning for residential uses (with the commercial use being exempt in this zoning district, as noted in Section 9.1.4 of the zoning bylaw):

Ayer Zoning Bylaw "Section 9.1.4 Special Regulations for the Downtown Business District

- 1. In the Downtown Business District, Section 9.1.2 shall not apply to nonresidential uses.***

Therefore, we believe that this proposed use does not constitute a "greater category of parking demand" and is therefore not subject to Section 9.1 of the bylaws.

However, were Section 9.1 relevant to this Application, then the following relief and special permits would have been required to allow this project to move ahead. These are presented for the Board's information to answer the inevitable question most Boards would ask which is "what relief would have been required if Section 9.1 were applicable?", and for the Board to better understand the design decisions we have made for this project.

1. Parking Modification Plan – to reduce the parking requirement to one space per unit by virtue of being in Downtown Ayer. (Ayer Bylaw Section 9.1.10(C)). This reduction is from the 2.0 spaces per two-bedroom unit required under Section 9.1.2.A.2. and is consistent with residential use in this downtown area with easy access to multi-modal public and private transportation options.
2. Parking design standards waivers (Bylaw Section 9.1.5.C.2):
 - a. Parking spaces are closer than eight (8) feet of a building wall. (3.7' proposed, greater than typical vehicle overhangs.)
 - b. Parking spaces are closer than ten (10) feet to a lot line. (Given the proximity of the building to the street, this would be impossible to comply with and still provide the parking proposed.)
3. Special permit to allow reduction in parking spaces on site: *"No existing off-street parking spaces shall be eliminated if their removal would cause the total number of spaces provided on a site to be less than the number required by Section 9.1.2, except by Special Permit."*

III. SITE DESIGN

We have tried to meet the requirements of the bylaw to the maximum extent possible. We have located the six parking spaces provided in front of the existing building but avoiding the overhead door bays as requested by the Town. This then allows us to provide a maximum of six parking spaces in front of the building, which gives one space

for each of the apartments, with one space dedicated to visitors parking. Commercial tenants will have to find parking elsewhere in the downtown area as contemplated by the bylaws.

The designated visitor parking space will also serve as the space available for a van-accessible handicapped parking with striping and signage should a resident request such access. According to the Massachusetts Architectural Access Board and 521 CMR 10, this specific development does not require accessible parking unless an incoming apartment resident requests it. The paving and ramp slopes are designed to accommodate such a future accessibility conversion. In the meantime, these six parking spaces will be available for apartment renters and visitor use.

Onsite concrete sidewalks will provide pedestrian access from parking areas to the three pedestrian entrances into the building. Existing utility service connections to the building for water, sewer, natural gas, electric power and telecommunications will be used for the five (5) new apartments.

The existing bituminous concrete walkway along the Washington Street frontage will be upgraded to a concrete walk between the development and the southbound lane of Washington Street. The new concrete walk will be separated from Washington Street by variable height vertical granite curbing. (The granite curbing has already been installed by the Town, although it may require some adjustment.)

IV. DRAINAGE

Impervious surfaces on the site under current conditions cover 94% of the site, 67% of which is the building footprint, and 27% of which is pavement and walkways. Under the proposed plan, we would reduce that impervious coverage by roughly 1,138 sf, or 12% of the site area. This will largely be due to the removal of pavement in front of the garage doors to the old firehouse and replacing with loam, grass seed and landscape plantings there and along newly configured walkways to the north and south of the building. As noted below in waivers being requested, we propose a decorative landscaping plan rather than attempting to screen the building as required in the Site Plan Regulations.

The current drainage patterns are such that most of the east side pavement drains to the street to be handled by the town drainage system, which will likely continue. The roofs drain onto the site itself between the surrounding buildings, with much of that drainage flowing to the immediately adjacent paved parking area to the south. Our site plan proposes capturing as much of that roof drainage as possible and directing it to underground recharge chambers to the south of the building as shown on the plans. While this is unlikely to mitigate all drainage off the roofs, it will certainly reduce the runoff reaching the abutting parking lot in most storms.

V. SITE PLAN REGULATIONS - WAIVERS REQUIRED

Other permitting requirements do apply, and relief will be needed from the Board. As part of the Site Plan Review Application Submittal Requirements, GPR hereby

requests waivers of the following Town of Ayer "Site Plan Regulations" (ASPR) submittal requirements:

WAIVER REQUEST #1: ASPR IV.B.3. Visual Impact Exhibits

The exposure of the original historic brick exterior of the Fire Station will be an enhancement to the Downtown Business district. The increase in green space and open space are also expected to yield an improved appearance from Washington Street and from surrounding properties. We respectfully request a waiver of the required renderings, offering just the front elevation view rendering as part of the application.

WAIVER REQUEST #2: ASPR IV.C.14. Landscaping Plan

This section of the Site Plan Regulations points to Ayer Zoning Bylaw Sections 9.1.6. and 9.2 for the application of landscaping standards for site and parking areas to provide buffers and screening. Due to the existing siting of the building, such buffers and screening are not possible, and would be inconsistent with this downtown area. The applicant respectfully requests to provide an appropriate landscaping plan of discrete plantings within the lawn areas rather than the required buffers and screening.

WAIVER REQUEST #3: ASPR IV.E.2. Traffic Impact Statement

The traffic impact from five 2-bedroom, downtown apartments, with easy access to transit, would be considered negligible, being absorbed into the projected background growth for development along the Washington Street corridor and downtown area. We respectfully request a waiver of the Traffic Impact Statement.

We look forward to discussing the application with the Board. Should the Board need any additional information or materials, please contact our office.

Sincerely,
Goldsmith, Prest & Ringwall, Inc.



David Guerra, Project Engineer

Copy to: client
 221065

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 1.0 – Application Acceptance and Initial Review

Prepared by Mark Archambault, Ayer Town Planner

Date: February 10 for **February 14, 2023** Planning Board meeting

Site Location / Zoning District(s): 14 Washington Street / Downtown Business Form-Based Code district

Assessor's Map and Parcel Numbers: Map 28, Lot 184

Tract or Parcel Size Undergoing Development: 9,870 sq.ft.

Type of Application: Site Plan for development of five apartments in a former non-residential building per AZB sections 3.5.1.A.1 and 3.5.1.A.4.

Other Permits needed: Special Permit from AZB Section 5.2 to allow for the conversion of a non-residential or mixed-use building to a multi-family dwelling. A ZBA **Special Permit** was granted in April, 2020, but has since expired. I believe that Site Plan Review can proceed while the applicant seeks another Special Permit from the ZBA.

Applicant: Seal Harbor Companies, LLC **Landowner if different from Applicant:** ---

Engineer or Surveyor: GPR, Inc.

EXECUTIVE SUMMARY / KEY POINTS FOR THE PB TO CONSIDER:

This project proposes to convert the former Ayer Central Fire Station into a multi-family dwelling with five (5) apartments. **Site Plan** Review is required for all new multi-family dwellings per AZB Section 3.5.1. A.1 and 4.

According to our Town Counsel, it appears that the (Use) Special Permit approved by the ZBA on April 22, 2020 has expired, which will now require the applicant to apply for a new Special Permit. However, unlike in 2020, under the new DAPSFBC District, the Special Permit granting authority for the conversion of non-residential buildings into multi-family and/or mixed-use is now the Planning Board.

Town Counsel also believes that the provisions of the Inclusionary Housing section of the Ayer Zoning Bylaw (Sec. 10.3.2.A) applies, which would require one out of the five proposed units to be affordable according to Commonwealth of Massachusetts and local guidelines.

The applicant is requesting three waivers, which are described on page 5 of this report. The applicant is requesting that the Planning Board find that the parking requirements of Section 9.1.1 do not apply given that the Central Fire Station was constructed and occupied prior to the adoption of zoning in Ayer (1975-ish), unless the Planning Board believes that the new use constitutes a greater category of parking demand.

I recommend that the Planning Board find the application package to be complete, **provided that building elevations have been provided by the meeting date or the applicant / engineer indicates such will be forthcoming soon, to the satisfaction of the Planning Board.**

I. Project Description and Interdepartmental Review

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



14 Washington Street is Lot 26-184 above.

From the application narrative:

On behalf of our client, Seal Harbor Companies, GPR hereby submits an Application for Site Plan Approval for the project site at 14 Washington Street, the former Ayer Central Fire Station. The Applicant proposes to convert the former Ayer Central Fire Station into five (5) multi-family two-bedroom apartments and one unit of commercial office space. A Special Permit has already been issued by the ZBA for conversion of a non-residential use to a multi-family use.

The portion of the existing structure on the property to remain is the original 4,904± sq. ft. brick firehouse including the flat-roofed addition on the north side of the building. The existing non-brick garage addition of 1,420± sq. ft on the southern side of the building is to be removed.

A new 2-story addition is planned on the south side of the original brick firehouse building that will add space for residential use. This addition will occupy a roughly 990 sf footprint on the site, a reduction of nearly 430sf from the previous addition that is being removed. The existing firehouse building plus the planned addition occupies 5891 sf, roughly 63% of the total 9,410 sf parcel area. The available site area on the south side of the building will be used for walkways, green space and will be where a subsurface drainage facility is located.

The five (5) two-bedroom residential units will be served by six (6) parking spaces to include one visitor space. The six parking spaces provided will be in front of the building directly off Washington Street. These parking spaces will be pavers or other decorative paving material, not bituminous concrete asphalt. This leaves open lawn space in front of the building and allows its façade to be more properly displayed.

The two garage bay doors facing Washington Street will be permanently sealed with no pedestrian access. One (1) existing pedestrian access door facing Washington Street, currently accessed by concrete stairs and stoop, will be retained and improved. An existing at-grade pedestrian access door facing north will also remain. Two (2) additional pedestrian access doors will be added to access the new addition on the south of the building.

Parking Relief Requested:

We believe that two sections of the zoning bylaw exempt this building from complying with the parking requirements of the bylaw Section 9.1 *Off Street Parking and Loading*.

Ayer Zoning Bylaw "Section 9.1.1 Applicability, Sub-paragraph B. - This Section 9.1 shall not apply to:

1. Any building, structure or use of land that was existing or lawfully begun or for which a permit was issued prior to the effective date of this Bylaw, except that any change in use to a greater category of parking demand shall be subject to this section."

The beginning premise of this section is that if the building (circa 1934) predates the Ayer Zoning Bylaw (adopted in accordance with Chapter 40A of the General Laws of the Acts of 1975), then Section 9.1 does not apply. This recognizes the existing non-conforming nature of many if not all of the buildings in the downtown area and allows for their re-use or renovation without forcing compliance to requirements they could not reasonably be expected to meet. The only exception would be if the parking demand for this building exceeds that of the original fire house use. So, unless the residential use requires more parking than the original fire station, the entire Section 9.1 *Off-Street Parking and Loading* does not apply, as clearly stated above.

Historical reports of the fire station indicate there were 4 fire engines and 2 ambulances parked inside the building on the site. There were also available approximately 10 parking spaces on the site in front of the building. However, in times of department training, which is usually a weekly occurrence, and in times of emergency fire calls, the parking demand was likely quite a bit more than these available spaces. That parking no doubt utilized the adjacent parking area, especially in the later years prior to the firehouse's decommissioning.

Under the zoning bylaw, 2-bedroom apartments require 2 spaces each, with 5% additional for guests, or a minimum of one space. This would put the required parking at 11 spaces. While it may not be possible to pin down exactly what the demand for parking required by the firehouse was, it is clearly more than the 6 spaces being proposed now, or the 11 spaces required under the zoning for residential uses (with the commercial use being exempt in this zoning district, as noted in Section 9.1.4 of the zoning bylaw):

Section 9.1.10 of the 'Off-Street Parking and Loading' section of the Ayer Zoning Bylaw states that "*The Planning Board may approve modifications or waivers of the requirements of this Section 9.1 for compelling reasons of safety, aesthetics, site design or environmental impacts.*"

Note: All text in bolded double parentheses at the end of this report ((...)) is from the **2020 Staff Report** for the first proposal for six (6) residential units that was later withdrawn. It is being retained for comparison purposes so the applicant and Planning Board can see what would be required if the Board finds that a waiver or vesting from section 9.1.10 is **not** applicable or valid.

Interdepartmental Reviewer's Comments:

Conservation Commission: "The project is outside of conservation jurisdiction."

Police Department: "Parking Concerns: 1. There doesn't appear to be enough to accommodate residents and employee / customers of the commercial use. 2. Sidewalk to remain open during construction."

Fire Department: > [See Attached Letter](#)

Board of Health: "What provisions will be put in place for trash disposal? Where will the dumpsters be located?"

Ayer Office of Community and Economic Development: *remind Alan.*

Parking Analysis and Findings:

The applicant is requesting a total waiver from the parking requirements of Section 9.1.2. A.2 due to the reasons they cite in their narrative as inserted above. At some point in the course of conducting its Site Plan review, the Planning Board will need to make a FINDING as to whether the proposed residential / mixed-use requires more parking (*'change in use to a greater category of parking demand'*) than that required for the original Fire Station.

If the Planning Board finds that the change to multi-family / mixed-use from a Fire Station does require more parking than the original use, then the parking requirements of Section 9.1.2 A.2 would apply. The Planning Board, however, has the ability to modify or waive the parking requirements per Section 9.1.10 A *'for compelling reasons of safety, aesthetics, site design or environmental impacts.'*

(Other) Waiver Requests:

WAIVER REQUEST #1: ASPR IV.B.3. Visual Impact Exhibits

The exposure of the original historic brick exterior of the Fire Station will be an enhancement to the Downtown Business district. The increase in green space and open space are also expected to yield an improved appearance from Washington Street and from surrounding properties. We respectfully request a waiver of the required renderings, offering just the front elevation view rendering as part of the application.

WAIVER REQUEST #2: ASPR IV.C.14. Landscaping Plan

This section of the Site Plan Regulations points to Ayer Zoning Bylaw Sections 9.1.6. and 9.2 for the application of landscaping standards for site and parking areas to provide buffers and screening. Due to the existing siting of the building, such buffers and screening are not possible, and would be inconsistent with this downtown area. The applicant respectfully requests to provide an appropriate landscaping plan of discrete plantings within the lawn areas rather than the required buffers and screening.

WAIVER REQUEST #3: ASPR IV.E.2. Traffic Impact Statement

The traffic impact from five 2-bedroom, downtown apartments, with easy access to transit, would be considered negligible, being absorbed into the projected background growth for development along the Washington Street corridor and downtown area. We respectfully request a waiver of the Traffic Impact Statement.

Planner’s comments on the waiver requests:

I believe it is totally reasonable to waive a Traffic Impact Statement. However, given the historic nature of the structure and its importance to the Town, I believe that the Planning Board should require some Visual Impact Exhibits. If the Planning Board agrees with my recommendation, the scope and details of such visual impact exhibits can be worked out with the applicant / engineer.

I believe a simple Landscaping Plan that consists of a basic plant list and locations of such plantings is warranted, though it need not be complicated or as thorough as what the Planning Board would require for totally new construction or modification of a larger site. This is also an item that the PB can discuss with the applicant.

Applicable Zoning, Site Plan and/or Subdivision Regulations

- a. Zoning District(s) and Applicable Dimensional Requirements: Downtown Form-Based Code District: No minimum lot size, frontage or setback requirements. The lot and existing Fire Station pre-date any Zoning Bylaws in the Town of Ayer.

- b. Other Needed Reviews, Approvals and Permits:

A (Use) **Special Permit** per AZB Section 5.2, Table of Use Regulations, is needed for the conversion of a ‘non-residential or mixed-use building to a multi-family dwelling’. The ZBA granted a Special Permit under this section on April 22, 2020, though in the opinion of our Town Counsel, this has since expired. With the adoption of the Downtown / Park Street Form-Based Code district, the Planning Board is now the Special Permit Granting Authority, rather than the ZBA.

Recommendations

- a. Recommendations for February 14, 2023:

I first recommend that the Planning Board find the application package to be complete, **provided that building elevations have been provided or the applicant / engineer indicates such will be forthcoming soon to the satisfaction of the Planning Board.**

I recommend that the PB first address the **waivers** required for this application. Section 9.1.10 A allows the PB to waive the parking dimensional standards of Section 9.1 Off-Street Parking and Loading.

The Planning Board should then discuss the project in general, and the need to address inclusionary housing and apply for a new Special Permit.

Recommended Planning Board Special Permit Findings: (to be developed for later meeting)

AZB Section 3.4. B Criteria. Special permits shall be granted by the Special Permit Granting Authority only upon its written determination that the adverse effects of the proposed use will not outweigh its beneficial impacts to the town or the neighborhood, in view of the particular characteristics of the site, and of the proposal in relation to that site. In addition to any specific factors that may be set forth elsewhere in this Bylaw, the determination shall include consideration of each of the following:

1. Social, economic, or community needs which are served by the proposal;
2. Traffic flow and safety, including parking and loading;
3. Adequacy of utilities and other public services;
4. Neighborhood character and social structures;
5. Impacts on the natural environment; and
6. Potential fiscal impact, including impact on town services, tax base, and employment.

Recommended Planning Board Findings and Conditions of Site Plan Approval:

To be developed for the meeting at which Planning Board action is anticipated.

Sections from the 2020 Staff Report for the first proposal:

A) Executive Summary:

((This project also requires the granting of **Special Permits** to 1. “locate all or a portion of the required off-street parking on a different lot than the lot with the building or use served by such parking”, per AZB Section 9.1.4 B. and 9.1.5 C. 5; and 2. “No parking shall be located closer to the front lot line than the front line of the principal building except by Special Permit from the Planning Board” per AZB Section 9.1.5 C 1.

Site and application summary: Lot Area: 9,870 sq.ft. or .3 acres / **Existing** building footprint: 6,324 sq.ft.

Proposed building footprint: 5,450 sq.ft. / **Existing Impervious Area:** 8,870 sq.ft.; **Proposed:** 7,520 sq.ft.

Number of Units: 6 / **Parking Requirement:** 1.5 spaces x 6 = 9 / 7 provided on-site, 2 proposed off-site.

At the next meeting, I recommend that the Planning Board first OPEN the Public Hearing for the Special Permits and take up these first since they will have a bearing on the Site Plan as submitted. If the Special Permits are granted as applied for, then the Planning Board can take up the wider Site Plan application. The recommended waivers, findings and actions are found in Section III at the end of this report. Since many section references are involved, those for **waivers** are in **blue** and those for **Special Permits** are in **red**.

B) Parking related Special Permits from the 2020 application:

Description of Parking related Special Permits: The applicant is seeking a **special permit** under the Ayer Zoning Bylaw Sections 9.1.4.B and 9.1.5.C.5 to allow for 2 of the required 9 parking spaces to be located on a different lot, 9.1.5.C.1 to allow for off street parking closer to the front lot line than the principal building, and a **waiver** from 9.1.5.C.2 to allow parking within eight feet of a building wall and within 10 feet of a lot line, all related to the conversion of the existing Ayer Central Fire Station into a multi-family dwelling.

Waiver Requests that remain outstanding: The Planning Board granted waivers for a. Visual Impact Analysis and b. Traffic Impact Study, at its February 25, 2020 PB meeting. The DPW requested that the PB hold off on granting the request for a waiver from the Stormwater Management Report until they were able to evaluate the stormwater situation more thoroughly.

C) Site Plan Regulations Section IV.C.13 Stormwater Management Report

From the application narrative: The overall site impervious area is being reduced from existing conditions by the creation of additional pervious surfaces. This has various beneficial effects on drainage that are self-evident without a full stormwater management evaluation of the project. The project is not draining directly to any environmentally sensitive areas and the proposed impervious reduction has several benefits that include the reduction of total suspended solids, reduction of stormwater peak flow runoff, and the increase of groundwater recharge.

Planner’s comments: The DPW has requested that the Planning Board hold off on this waiver request until they have had a chance to issue formal comments on the project, which should be forthcoming by the meeting on March 24. In terms of stormwater management in general, it may be worthwhile to consider Low-Impact Development features such as rain gardens or bio-swales for some of the area shown as ‘lawn’, especially on the south side of the lot.))

((**Ayer Zoning Bylaw, Sections 9.1.5 C.1 and 9.1.5 C.2**

Section 9.1.5 C.1 of the AZB states in part that “No parking shall be located closer to the front lot line than the front line of the principal building **except by special permit** from the Planning Board.”

Section 9.1.5 C.2 states that “Except for parking within an enclosed structure or for existing multi-family dwellings, no parking space shall be located within eight feet of a building wall or ten feet of a lot line”.

Section 9.1.10, Modification and Waivers, subsection A. states that “The Planning Board may approve modifications or waivers of the requirements of this **Section 9.1** (Off-Street Parking and Loading), for compelling reasons of safety, **aesthetics, site design** or environmental impact.” (emphasis mine)

Subsection B. of Section 9.1.10 states that “Where this Section 9.1 requires a special permit for approval of a requested modification or waiver, the Planning Board’s decision shall be consistent with the special permit granting criteria of Section 3.4.”

Planner’s comments: According to Town Counsel, the Planning Board is empowered to use the modification and waiver provisions of **Section 9.1.10 A.** to waive the parking dimensional standards of **Section 9.1.5. C. 2,** as described above. The site is constrained in terms of size and space for parking, and the socio-economic benefits of this project far outweigh the minor parking dimensional requirements in terms of promoting a workable site design, site aesthetics and housing for the downtown. **I recommend that the Planning Board grant a waiver from Section 9.1.5 C.2 to as described above and do so by citing the modification and waiver granting authority provided it by Section 9.1.10 of the AZB.**

A **Special Permit** is needed from the Planning Board per AZB Sections **9.1.4 B.** and **9.1.5 C. 5** to allow for two (2) of the nine (9) required parking spaces to be located off-site in order to meet the parking requirements for the six (6) dwelling units (1.5 spaces per 1 bedroom unit x 6 apartments); as well as from **Section 9.1.5 C.1** for parking closer to the front lot line than the principal building.))

From the 2020 Recommendations:

((**Section 9.1.5 C.2** that states that “Except for parking within an enclosed structure or for existing multi-family dwellings, no parking space shall be located within eight feet of a building wall or ten feet of a lot line”. 4 of the 8 spaces (on the northern end) are within 8 feet of the building wall and also abut the lot line. Unless all of the parking spaces can be located off-site, this waiver is necessary for the Site Plan to work as submitted. I recommend that the PB GRANT the waiver from Section **9.1.5 C. 2.**

Regarding the waiver request from Site Plan Regulations, **Section IV.C.13 Stormwater Management Report;** Supt. Wetzel notes that as of May 11, 2020, a Stormwater Management Plan has not been submitted. The Planning Board can request the applicant to submit such in time for consideration at the next meeting on May 26, or, condition approval on the submission of a management plan satisfactory to the DPW.

Related to this are the **Special Permit** requests to **1.** “locate all or a portion of the required off-street parking on a different lot than the lot with the building or use served by such parking”, per AZB Section **9.1.4 B. and 9.1.5 C. 5;** and **2.** “No parking shall be located closer to the front lot line than the front line of the principal building except by Special Permit from the Planning Board” per AZB Section **9.1.5 C 1.**))

SECTION 5.2 TABLE OF USE REGULATIONS ¹									
CLASS OF USE	Zoning Districts								
	A1	A2	GR	DB	MUT	GB	LI	I	HCS
RESIDENTIAL USES									
Detached single-family dwelling	P	P	P	P	P	SPZ	N	N	N
Two-family dwelling	SPZ	SPZ	P	SPZ	P	P	N	N	N
Townhouse or multi-family dwelling	N	N	P	N	P	SPZ	N	N	N
Conversion of an existing single-family dwelling to a three- or four-family dwelling, provided that (a) there shall be no change to the building footprint and (b) one unit shall be an affordable housing unit. All applicable provisions of Section 10.3 shall apply.	N	N	N	SPZ	SPZ	N	N	N	N
Conversion of a non-residential or mixed-use building to a multi-family dwelling	N	N	N	SPZ	SPZ	N	N	N	N
Apartments above the ground floor of a commercial building	N	N	N	P	P	P	N	N	N
Dwelling unit at grade in a commercial building, provided that the entrance shall be on the side or rear of the building; the unit shall have direct access to parking on the lot; the unit shall be accessible to persons with disabilities; the ground floor of the building facing the street shall be used for commercial uses.	N	N	N	SPB	P	N	N	N	N
Accessory apartment	SPZ	SPZ	SPZ	P	P	SPZ	N	N	N
Bed and breakfast	SPZ	SPZ	P	SPZ	P	P	N	N	N
Rooming house	P	P	P	P	P	P	N	N	N
Home occupation	SPZ	SPZ	SPZ	SPZ	P	SPZ	SPZ	SPZ	N
Family day care home	SPZ	SPZ	SPZ	N	N	SPZ	N	N	N
Other accessory uses, if accessory to a permitted use	P	P	P	P	P	P	N	N	N
Other accessory uses, if accessory to a special permitted use	SPZ	SPZ	SPZ	SPZ	SPZ	N	N	N	N
PUBLIC / INSTITUTIONAL USES									
Public/private non-profit educational use	P	P	P	P	P	P	P	P	N
Religious use	P	P	P	P	P	P	P	P	N
Public/Institutional Uses, cont'd									
Municipal use	SPB	SPB	SPB	P	P	P	P	P	N

¹ P = Permitted Use; SPZ = Special Permit by Zoning Board; SPB = Special Permit by Planning Board; SPS = Special Permit by Board of Selectmen; N = Not Permitted; P1 = Uses denoted 'P1' are permitted by right if the use occupies not more than 5,000 sq. ft. of gross floor area. New construction or proposed expansions containing more than 5,000 sq. ft. of floor area are allowed only by special permit from the Planning Board. A change of use of existing space without any expansion will not require a special permit.

AYER FIRE DEPARTMENT

Timothy P. Johnston
Chief

1 West Main Street
Ayer, Massachusetts 01432
Tel. (978) 772-8231
Fax (978) 772-8230



Memorandum

Date January 20, 2023

To: Ayer Planning Board

Re: 14 Washington Street/Historic Fire Station

In reviewing your site plan for 14 Washington street I have comment regarding Section II ZONING and PARKING, sub-section 1. I worked at the old station starting in 1985 and have been on the department since 1982. As far as outdoor parking goes at that site there was never more than 3-4 spaces available for fire department members to park. And 2 of those 4 spaces were used by the members working. This parking area was located to the left of the station where the office entrance once was located. All additional parking for members was in the Federated Church parking lot located across the street from the Fire station. There was never parking allowed in front of the bay doors. To sum it up, the members and the Fire Chief parked next to the station, all other members weather it was an emergency or training parked across the street. This was in effect until we moved in 2006.

I would question the parking calculations unless they are using the fire trucks that are parked inside the station in their calculation.

Please contact me if you have any further questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Timothy P. Johnston". The signature is fluid and cursive, with a long horizontal stroke at the end.

Timothy P. Johnston

Fire Chief/ E.M.D.