

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

January 11, 2022

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

Open Session Meeting of the Ayer Planning Board

Agenda

Due to the ongoing COVID-19 Pandemic, in accordance with Chapter 20 of the Acts of 2021, suspending certain provisions of the Open Meeting Law (OML), public bodies otherwise governed by the OML are temporarily relieved from the requirement that meetings be held in public places, open and physically accessible to the public, so long as measures are taken to ensure public access to the bodies' deliberations "through adequate, alternative means." This meeting will be live on Zoom. The public may participate remotely by joining Zoom (Meeting ID# 833 6548 0732) or by calling 929-205-6099. For additional information about remote participation, please contact Heather Hampson, Administrative Coordinator at hhampson@ayer.ma.us or 978-772-8220 ext.144 prior to the meeting.

6:15 PM

Call to Order

General Business

- Approve Agenda
- Covenant/Bond Releases – none

Review and Endorse Zoning Map – with West Main Street Form Based Code District

Continued Public Hearing, Definitive Subdivision, Wright Road, Stratton Hill

Continued Public Hearing, Stormwater Management Permit, Wright Road, Stratton Hill

Continued Site Plan Review, Ayer Zoning Bylaw Section 9.6, Land Clearing and Grading, Wright Road, Stratton Hill

Town Planner Update

- Announcements

Meeting Minutes November 23, 2021, and December 14, 2021

Administrative Announcements

Old Business

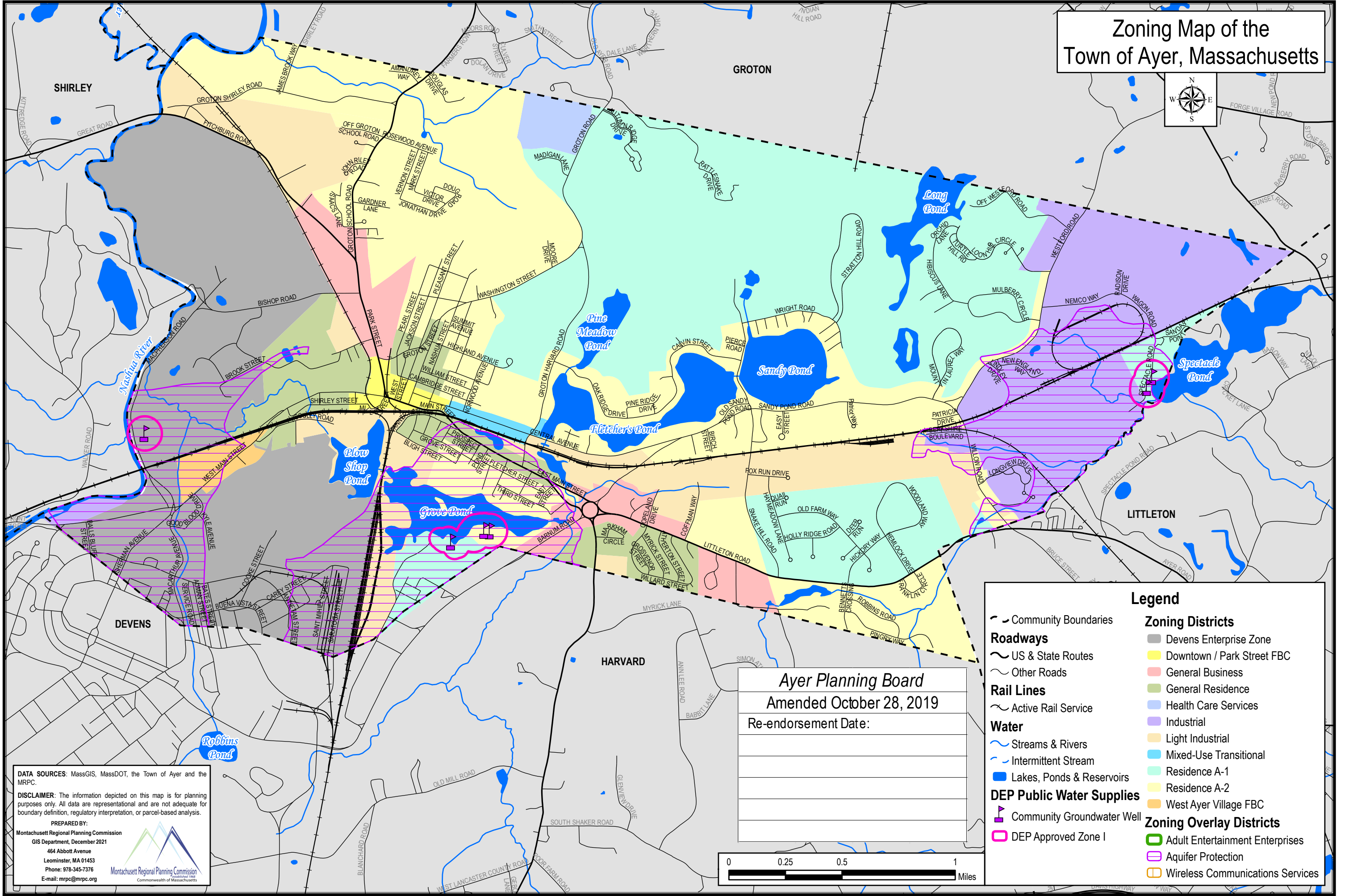
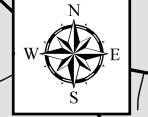
New Business

- MBTA Commuter Zoning Handout and Webinar
- Open Space Opportunities - Working Group

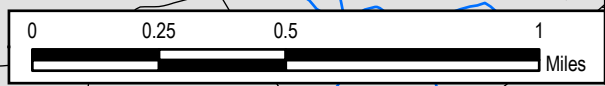
Adjourn

*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.

Zoning Map of the Town of Ayer, Massachusetts



Ayer Planning Board
 Amended October 28, 2019
 Re-endorsement Date:



Legend

- Community Boundaries
- Roadways
 - US & State Routes
 - Other Roads
- Rail Lines
 - Active Rail Service
- Water
 - Streams & Rivers
 - Intermittent Stream
 - Lakes, Ponds & Reservoirs
- DEP Public Water Supplies
 - Community Groundwater Well
 - DEP Approved Zone I
- Zoning Districts
 - Devens Enterprise Zone
 - Downtown / Park Street FBC
 - General Business
 - General Residence
 - Health Care Services
 - Industrial
 - Light Industrial
 - Mixed-Use Transitional
 - Residence A-1
 - Residence A-2
 - West Ayer Village FBC
- Zoning Overlay Districts
 - Adult Entertainment Enterprises
 - Aquifer Protection
 - Wireless Communications Services

DATA SOURCES: MassGIS, MassDOT, the Town of Ayer and the MRPC.
DISCLAIMER: The information depicted on this map is for planning purposes only. All data are representational and are not adequate for boundary definition, regulatory interpretation, or parcel-based analysis.
PREPARED BY:
 Montachusett Regional Planning Commission
 GIS Department, December 2021
 464 Abbott Avenue
 Leominster, MA 01453
 Phone: 978-345-7376
 E-mail: mrpc@mrpc.org

Robert L. Collins
Attorney At Law
P. O. Box 2081
Westford, Massachusetts 01886

Telephone (978) 448-3511
Facsimile (978) 448-8511

20 December 2021

Groton Office:
204 Gay Road

Groton, Massachusetts 01450
Received

The Ayer Planning Board
Town Hall
1 Main Street
Ayer, MA 01432

DEC 27 2021

Town of Ayer
Planning Board

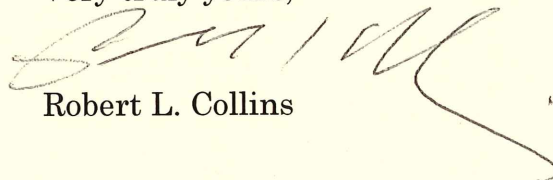
RE: Fox Meadow Realty Corporation
Moulton Construction Corporation
LOCUS: "Stratton Hill" Subdivision, Wright Road

Dear Board Members:

Recognizing that things always take longer than was anticipated, may I respectfully request that the time by which the Board must complete its hearings and file a decision on this matter be extended until March 31, 2022.

Thanking the Board for its time and consideration, I remain

Very truly yours,


Robert L. Collins

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

Attorney Robert Collins
204 Gay Road
Groton, MA 01450

January 4, 2022

Dear Mr. Collins,

Happy New Year to you, Mr. Moulton and Mr. Dillis.

I want to acknowledge receipt of your letter requesting that the Planning Board grant an extension to March 31, 2022 on which to act on the Stratton Hill definitive subdivision application.

However, there are several factors that cause me, Planning Board Chair Geof Tillotson and Vice-Chair Ken Diskin, to believe that the **best course of action** at this time is for you and Mr. Moulton to **'WITHDRAW (the current Definitive Subdivision application) WITHOUT PREJUDICE'**.

First, the Planning Board is disappointed that it has not received answers to questions raised at the July 27, 2021 public hearing. Nor has the Town Planner received a reply to process questions he posed via phone messages left in November and December of 2021.

Second, the Planning Board will need adequate time to hire Peer Review Consultants for both a traffic study and engineering review. Our new DPW Director, former Town Engineer Dan Van Schalkwyk, does not presently have the time and resources to do such review 'in-house' as was the case in the past when he was Town Engineer and Mark Wetzel was DPW Director. Therefore, we will need to undertake Peer Review for engineering as well. It will take some time to get this important RFP out and for the Planning Board to hire this consultant.

Third, the Conservation Commission will be choosing a consultant for Peer Review of the Conservation Analysis and matters related to baseline documentation for the Conservation Restriction. If the Conservation Commission authorizes hiring a consultant this Thursday, January 6, it could take several weeks for that study to be completed and for them to get their recommendations to the Planning Board.

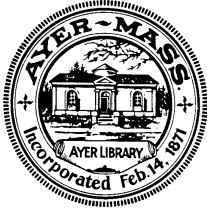
For all the above reasons, we believe the best course of action is for you to **Withdraw Without Prejudice** and for us to begin afresh when the necessary Peer Review Consultants are in place or in process and ready to engage. I believe this course of action will save time in the long run and make for a smoother process once everything resumes.

Please get back to us on this matter by January 11, 2022 if possible. If you have any questions about this matter, please contact me via email at marchambault@ayer.ma.us or by calling my work cell at 978-962-2181.

Sincerely,

Mark Archambault, AICP
Town Planner

Cc: Ayer Planning Board
Mr. Robert Pontbriand, Town Manager
Mr. Dan Van Schalkwyk, DPW Director



PLANNING BOARD

Town of Ayer

1 Main Street, Ayer, MA 01432

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Minutes of November 23, 2021 - Ayer Planning Board Meeting

Location: via Zoom

Meeting was recorded and then broadcasted on APAC

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

Also Present: Mark Archambault, Town Planner

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. Ken Diskin, aye; Mr. Nathan King, aye; Ms. Julie Murray, aye and Chairman Tillotson, aye.

Covenant and Bond Releases – None

Public Hearing Stormwater Management Permit, 99 Fitchburg Road.

Continued Site Plan Review, 99 Fitchburg Road

Present: Mr. Chris Tymula from Greenman-Pedersen Inc.

At 6:19 Mr. Jonathan Kranz read aloud the public hearing notice for the Stormwater Management Permit for 99 Fitchburg Road as published.

Mr. Chris Tymula from Greenman-Pedersen Inc shared his screen showing those present the most recent set of plans for the site. Mr. Tymula gave a brief background and description of the site before moving on to the proposed stormwater system for the property. Mr. Tymula mentioned that Mr. Dan Van Schalkwyk, Superintendent of the Department of Public Works had a few comments on the Stormwater plans. Mr. Tymula went over the comments from Mr. Van Schalkwyk that were made in his letter dated November 19, 2021. Mr. Tymula mentioned that he wrote an email addressing Mr. Van Schalkwyk's comments and went over that email as well.

At 6:35 PM Mr. Jonathan Kranz made a motion open the continued the Site Plan for 99 Fitchburg 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; Ms. Julie Murray, aye and Chairman Tillotson, aye.

At 6:35 PM Mr. Jonathan Kranz made a motion to open the public hearing for the Stormwater Management Permit for 99 Fitchburg Road. Mr. Ken Diskin seconded. No discussion. Vote to approve by roll call vote: Mr. Jonathan Kranz, aye; Ms. Julie Murray, aye; Mr. Ken Diskin, aye; Mr. Nathan King, aye and Chairman Tillotson, aye.

Mr. Archambault went over his Town Planner report for the proposed project which details the revised plans that were submitted.

Mr. Tymula went over the revised plans with the Board that included grading changes, notes for one way driveway entrance and for no truck traffic down Groton Shirley Road unless there is a delivery and additional screening. Mr. Tymula went over the information that was sent to the Board regarding the size of the trucks that will be coming to the site as well as the number of trips for each kind of vehicle in peak and off-peak times. Mr. Tymula mentioned that at the last meeting it was mentioned by an abutter about a rob and gun club in the area and concerns expressed about the tanks and safety. Mr. Tymula shared a Google Earth image of the area showing the distance from the rod and gun club and the proposed tank location.

Fire Chief Johnston mentioned to the Board that he also reviewed the distance and the tank information and sees no reason for concern regarding the rod and gun club.

Mr. Archambault went over his proposed findings for the approval of the Site Plan along with Special Conditions for the Site Plan and Stormwater Permit.

There was s brief discussion regarding the proposed Special Conditions.

Chairman Tillotson opened the meeting to the public for comments.

There were several abutters present for the meeting and they expressed concerns with truck traffic and the address for the facility being Fitchburg Road when it is indeed on Groton Shirley Road.

Chairman Tillotson stated that the Board has addressed the truck traffic concerns for the facility by requiring all trucks to enter from Fitchburg Road. Chairman Tillotson stated that the Board can not change the address, but the item will be addressed when the Building permit is applied for with the Police and Fire also looking into an address change.

At 7:26 PM Mr. Jonathan Kranz made a motion to approve the Site Plan for 99 Fitchburg Road as submitted with the Findings and Special Conditions as discussed. Ms. Julie Murray seconded. No discussion. Vote to approve by roll call vote: Mr. Jonathan Kranz, aye; Mr. Nathan King, aye; Mr. Ken Diskin, aye; Ms. Julie Murray, aye and Chairman Tillotson, aye.

At 7:27 PM Mr. Jonathan Kranz made a motion to approve the Stormwater Management Permit for a major project for 99 Fitchburg Road with the Special Conditions as discussed. Ms. Julie Murray seconded. No discussion. Vote to approve by roll call vote: Mr. Jonathan Kranz, aye; Mr. Nathan King, aye; Mr. Ken Diskin, aye; Ms. Julie Murray, aye and Chairman Tillotson, aye.

At 7:28 PM Mr. Jonathan Kranz made a motion to close the Site Plan review for 99 Fitchburg Road. Mr. Julie Murray seconded. No discussion. Vote to approve by roll call vote:

Continued Public Hearing, Definitive Subdivision, Wright Road Stratton Hill

Continued Public Hearing, Stormwater Management Permit, Wright Road, Stratton Hill

Continued Site Plan Review, Ayer Zoning Bylaw Section 9.6, Land Clearing and Grading, Wright Road Stratton Hill

Present: There were no applicant representative present at the time of the meeting

At 7:29 PM Mr. Jonathan Kranz to continue the public hearing for the Definitive Subdivision for Stratton Hill to the next Planning Board meeting on December 14, 2021. Ms. Julie Murray seconded. Discussion:

Mr. Ken Diskin stated that on the agenda, as discussed at the last meeting, Stratton Hill is being discussed this evening in order to discuss consultants for the project.

Mr. Archambault stated that he wanted to give the Board an update on the RFP for the traffic study along with other consultants that might be needed by the Board to help review the project.

Mr. Jonathan Kranz withdrew his motion to continue the hearing.

Mr. Archambault went over the memo he drafted for the Board regarding what type of consultants the Board may want to hire for the proposed subdivision. Mr. Archambault mentioned that a traffic consultant is needed and has been working on the RFP for a consultant which has already been shared with a few firms and they have all stated that they would not conduct a traffic study until the saw the applicant's study first.

Mr. Diskin stated that he was not sure why the consultants would want to wait for the applicants traffic study before conducting their own and suggested that Mr. Archambault push back on that comment and have the study done as soon as possible.

Mr. Archambault stated that an engineering consultant will also need to be hired for the project. Usually this would be done by the DPW but with personal changes and work load they will not have the time to do a proper review so the Board will need to hire an outside consultant to review the engineering on site.

Mr. Archambault mentioned that the Conservation Commission would like to hire their own Environmental consultant and over see that part of the project.

At 8:09 PM Mr. Jonathan Kranz made a motion to continue the Public Hearing for the Definitive Subdivision, Stratton Hill on Wright Road to the Planning Boards next meeting on December 14 ,2021. Ms. Julie Murray seconded. No discussion. Vote by roll call vote: Mr. Jonathan Kranz, aye; Mr. Nathan King, aye; Ms. Julie Murray, aye; Mr. Ken Diskin, aye and Chairman Tillotson, aye.

At 8:11 PM Mr. Jonathan Kranz made a motion to continue the Public Hearing for the Stormwater Management Permit for Stratton Hill subdivision on Wright Road to the Planning Boards next meeting on December 14, 2021. Ms. Julie Murray seconded. No discussion. Vote by roll call vote: Mr. Jonathan

Kranz, aye; Mr. Nathan King, aye; Ms. Julie Murray, aye; Mr. Ken Diskin, aye and Chairman Tillotson, aye.

At 8:12 PM Mr. Jonathan Kranz made a motion to continue the Site Plan Review for Stratton Hill off Wright Road to the Planning Boards next meeting on December 14, 2021. Ms. Julie Murray seconded. No discussion. Vote by roll call vote: Mr. Jonathan Kranz, aye; Mr. Nathan King, aye; Ms. Julie Murray, aye; Mr. Ken Diskin, aye and Chairman Tillotson, aye.

Town Planner Update

Mr. Archambault mentioned a few of the items that he is working on including contacting the Attorney General's office about changing the Light Industrial zone lot size.

Old Business

Short Term Rentals

Chairman Tillotson stated that he is still researching short term rental bylaws and has found some good information but no bylaws for a small town like Ayer.

Project Update

Mr. Diskin mentioned that he would like an update on approved projects at the next meeting.

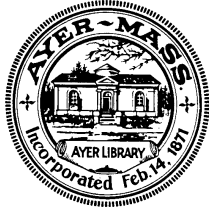
Meeting Adjournment

At 8:30 PM Jonathan Kranz made a motion to adjourn. Ms. Julie Murray seconded. No discussion. No discussion. Vote to approve by roll call vote: Mr. Jonathan Kranz, aye; Ms. Julie Murray, aye; Mr. Ken Diskin, aye' Mr. Nathan King, aye and Chairman Tillotson, aye.

Minutes recorded and submitted by Heather Hampson, Administrative Coordinator

Planning Board Approval _____
Date

Planning Board Chairman (Geof Tillotson)



PLANNING BOARD

Town of Ayer

1 Main Street, Ayer, MA 01432

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Draft

Minutes of December 14, 2021 - Ayer Planning Board Meeting

Location: via Zoom

Meeting was recorded and then broadcasted on APAC

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

Also Present: Mark Archambault, Town Planner

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 6:16 PM Mr. Jonathan Kranz made a motion to approve the agenda as presented. Mr. Julie Murray seconded.

Discussion:

Chairman Tillotson stated that Mr. Glen Easton from MRPC will be giving the Board a brief presentation on what MRPC does and can help Towns with. The presentation will be first on the agenda after the covenant releases.

Vote to approve by roll call vote: Mr. Nathan King, aye; Ms. Julie Murray, aye; Mr. Ken Diskin, aye; Mr. Jonathan Kranz, aye and Chairman Tillotson, aye.

Covenant and Bond Releases – Patriot Way Release, Lots 3A – 14 inclusive

Present: Attorney Robert Annese

Mr. Mark Archambault stated that Attorney Robert Annese contacted him about a month ago regarding the covenant for Subdivision on Patriot Way that was never fully released by the Planning Board. Mr. Dan Van Schalkwyk had submitted a letter to the Board stating that all the work has been completed to DPW standards and the road was accepted by the Town in 2012. Mr. Archambault stated that the Form J has been drafted by Attorney Annese and reviewed by himself and is all set for the Board to vote and sign to release the covenant this evening.

Attorney Annese stated that he did draft the Form J and mentioned that Lot 3A just sold a few months ago and there is a sum of money being held in escrow till the covenant is released.

The Board held a discussion on whether to release Lot 3A stated in the drafted Form J or to release all the lots. The Board revised the draft Form J to include all the lots along Patriot Way not just Lot 3A.

At 6:26 PM Mr. Jonathan Kranz made a motion to approve the covenant release for Lots 3A-14 Inclusive on Patriot Way and approve the Form J as discussed. Ms. Julie Murray seconded. No discussion. Vote to approve by roll call vote: Mr. Nathan King, aye; Ms. Julie Murray, aye; Mr. Ken Diskin, aye; Mr. Jonathan Kranz, aye and Chairman Tillotson, aye.

Discussion, Montachusett Regional Planning Commission, (MRPC), Mr. Glen Eaton

Present: Mr. Glen Eaton, MRPC

Mr. Glen Eaton gave the Board a brief presentation on what the Montachusett Regional Planning Commission is and what it does for area city and towns including GIS services, traffic counts, and grant funding.

The Board asked Mr. Eaton a few questions regarding MRPC's ability to conduct traffic counts along with GIS mapping.

Mr. Eaton stated that he would check with those departments to answer the Board's questions.

Chairman Tillotson thanked Mr. Eaton for his time this evening.

Public Hearing 141 Washington Street, Ayer-Shirley Regional High School, Stormwater Management Permit

Site Plan Review, 141 Washington Street, Ayer-Shirley Regional High School, Track Renovation Project

Present: Jonathan Charwick, Activitas Inc., Engineer and Mr. Mark Wetzel, Field Committee Member

At 6:51 PM Mr. Jonathan Kranz made a motion open the Site Plan review for 141 Washington Street. Ms. Julie Murray seconded. No discussion. Vote to approve by roll call vote: Mr. Ken Diskin, aye; Mr. Jonathan Kranz, aye; Ms. Julie Murray, aye; Mr. Nathan King, aye and Chairman Tillotson, aye.

At 6:52 PM Mr. Jonathan Kranz made a motion to open the public hearing for the Stormwater Management Permit for 141 Washington Street. Ms. Julie Murray seconded. No discussion. Vote to approve by roll call vote: Mr. Ken Diskin, aye; Mr. Jonathan Kranz, aye; Ms. Julie Murray, aye; Mr. Nathan King, aye and Chairman Tillotson, aye.

Mr. Archambault gave a brief introduction to the project stating that the Board had a brief overview of the project last month for the renovation of the athletic fields at the Ayer-Shirley High School.

Mr. Mark Wetzel gave a brief background of the site and overview of the project and plans.

Mr. Ken Diskin stated that the Board should vote to accept the plans for consideration.

At 6:58 PM Mr. Ken Diskin made a motion to accept the plans for 141 Washington Street Site Plan and Stormwater Management Permit dated November 22, 2021, for consideration. Mr. Jonathan Kranz seconded. No discussion. Vote to approve by roll call vote: Mr. Ken Diskin, aye; Mr. Jonathan Kranz, aye; Mr. Nathan King, aye; Ms. Julie Murray, aye and Chairman Tillotson, aye.

Mr. Jonathan Charwick gave a brief presentation of the site and the proposed improvements to the athletic fields at the Ayer-Shirley High School. Mr. Charwick stated that the planned improvements to the site include a new larger track around the football field, replacing the existing natural turf football field with an artificial turf field, a new ticket booth and concession stand with bathrooms and announcer booth and stands that will meet ADA compliance. Mr. Charwick mentioned that there will also be improvements made to the baseball field, which will be enlarged to increase the size of the soccer field as well. There will be approximately 15,000 square feet of clearing done to increase the field size. A new perimeter fence will be installed for the softball field. The project also includes new lighting for the fields. Mr. Charwick mentioned that they went to the State Plumbing Board to get a variance for the number of bathrooms needed. Mr. Charwick mentioned that Mr. Dan Van Schalkwyk, Department of Public Works, had a few comments on the project and they will all be addressed in a final set of plans.

The Board and Mr. Charwick went over the comments from the DPW.

There were a few abutter comments on the project including concern about effects on private wells in the area and proposed signage for the project. All questions were answered, and comments will be taken into consideration.

Mr. Archambault stated that if the Board was ready to vote on the Site Plan and Stormwater Management Permit this evening, he has prepared some findings some special conditions for the Site Plan.

The Board agreed to not hold a site visit for the project as they are familiar with the site as well as understand that the project is under a strict timeline to get bids out in the new year.

Mr. Archambault read the findings and special conditions for the Site Plan and Stormwater Management Permit as listed in his Town Planner Report.

At 7:41 PM Mr. Jonathan Kranz made a motion to accept the Findings and Special Conditions as stated by the Town Planner and approve the Site Plan for 141 Washington Street for the renovation of the athletic fields and buildings. Ms. Julie Murray seconded. No discussion. Vote to approve by roll call vote: MS. Julie Murray, aye; Mr. Jonathan Kranz, aye; Mr. Nathan King, aye; Mr. Ken Diskin, aye and Chairman Tillotson, aye.

At 7:41 PM Mr. Jonathan Kranz made a motion to approve the major Stormwater Management Permit for 141 Washington Street for the athletic field project as presented. Ms. Julie Murray seconded. No discussion. Vote to approve by roll call vote: Mr. Nathan King, aye; Mr. Ken Diskin, aye; Mr. Jonathan Kranz, aye; Ms. Julie Murray, aye and Chairman Tillotson, aye.

At 7:42 PM Mr. Jonathan Kranz made a motion to close the Site Plan Review for 141 Washington Street. Ms. Julie Murray seconded. No discussion. Vote to approve by roll call vote: Mr. Ken Diskin, aye; Mr. Nathan King, aye; Mr. Jonathan Kranz, aye; Ms. Julie Murray, aye and Chairman Tillotson, aye.

At 7:43 PM Mr. Jonathan Kranz made a motion to close the public hearing for the Stormwater Management permit for 141 Washington Street. Ms. Julie Murray seconded. No discussion. Vote to approve by roll call vote: Mr. Ken Diskin, aye; Mr. Nathan King, aye; Mr. Jonathan Kranz, aye; Ms. Julie Murray, aye and Chairman Tillotson, aye.

Continued Public Hearing, Definitive Subdivision, Wright Road Stratton Hill

Continued Public Hearing, Stormwater Management Permit, Wright Road, Stratton Hill

Continued Site Plan Review, Ayer Zoning Bylaw Section 9.6, Land Clearing and Grading, Wright Road Stratton Hill

Present: There were no applicant representative present at the time of the meeting

Mr. Archambault stated that he received an email from Attorney Bob Collins requesting that the hearings be continued this evening and that they would also grant an extension on the decision date will the end of March 2022. Mr. Archambault stated that a request was made to receive a letter with the request in writing and to have it include a date for the continued hearing to be extended to, which has not been received by the office at this time.

Mr. Diskin asked if there was an update on the Request for Proposal for the traffic study.

Mr. Archambault informed the Board that the consultants want to wait to see what the applicants traffic study to review first which we have not received at this time.

At 7:50 PM Mr. Jonathan Kranz made a motion to continue the public hearing for the Definitive Subdivision for Stratton Hill, off Wright Road will the Planning Boards first meeting in January 2022.

Ms. Julie Murray seconded.

Discussion:

Mr. Jonathan Kranz stated that the Board needs to ensure that we get a letter allowing for the extension before the next meeting.

Mr. Archambault stated that he will contact Attorney Collins and make sure we have a letter before the next meeting on January 11, 2022.

Vote to approve by roll call vote: Ms. Julie Murray, aye; Mr. Jonathan Kranz, aye; Mr. Nathan King, aye; Mr. Ken Diskin, aye and Chairman Tillotson aye.

At 7:54 PM Mr. Jonathan Kranz made a motion to continue the Public Hearing for the Stormwater Management Permit for Stratton Hill subdivision on Wright Road to the Planning Boards first meeting in January 2022. Ms. Julie Murray seconded. No discussion. Vote by roll call vote: Mr. Ken Diskin, aye; Mr. Nathan King, aye; Mr. Jonathan Kranz, aye; Ms. Julie Murray, aye and Chairman Tillotson, aye.

At 7:55 PM Mr. Jonathan Kranz made a motion to continue the Site Plan Review for Stratton Hill off Wright Road to the Planning Boards first meeting in January 2022. Ms. Julie Murray seconded. No discussion. Vote by roll call vote: Ms. Julie Murray, aye; Mr. Jonathan Kranz, aye; Mr. Nathan King, aye; Mr. Ken Diskin, aye and Chairman Tillotson, aye.

Town Planner Update

Mr. Archambault stated that he has completed the letter that will be sent to the Attorney General's Office for clarification on Zoning typo regarding the Industrial Zone lot size. Mr. Archambault sent the letter to both Mr. Diskin and Chairman Tillotson for review and comments and once it has been reviewed, he will send the letter out.

Mr. Archambault stated that the Board needs to sign a new Zoning Map based on the revisions made that added the West Main Street Form Based Code that was approved at Town Meeting in March of 2021. The item will be on the agenda for the Boards next meeting.

Mr. Archambault mentioned that it was brought to his attention by the Town Manager's Office the request to sell a parcel of land that is currently in 61A requiring the Town to review the Right of First Refusal. The land is located on Snakehill Road and is .3 acres in size, the Conservation Commission has already stated that they do not wish to purchase the property.

At 8:07 PM Mr. Jonathan Kranz made a motion to exercise the Planning Boards right of first refusal and not purchase the .3 acres on Snakehill Road. Ms. Julie Murray seconded. No discussion. Vote to approve by roll call vote: : Ms. Julie Murray, aye; Mr. Jonathan Kranz, aye; Mr. Nathan King, aye; Mr. Ken Diskin, aye and Chairman Tillotson, aye.

Meeting Minutes November 9, 2021

At 8:08 PM Mr. Jonathan Kranz made a motion to approve the minutes from the November 9, 2021, meeting as amended. Mr. Ken Diskin seconded. No discussion. Vote to approve by roll call vote: Mr. Ken Diskin, aye; Mr. Nathan King, aye; Ms. Julie Murray, aye, Mr. Jonathan Kranz, aye and Chairman Tillotson, aye.

Old Business

Update on Projects

Chairman Tillotson mentioned that there is not an update on all the projects in town but mentioned that he can give an update on a few ongoing projects in town.

Mr. Ken Diskin stated that he can give an update on the Ayer Solar II project since he sees it every day. Mr. Diskin mentioned that most of the clearing is completed, and they are working on completing the crossing before they can move forward on the project.

Chairman Tillotson stated that he has driven by a few projects in town and can update the Board on those. Curley Circle has around 12-14 houses in various stages within the project. Shaker Hill has completed two foundations and Washington Street, Panther Place has stated the construction of the two duplexes.

Upcoming Bylaws

Chairman Tillotson stated that he would like to see the Board work on getting a bylaw drafted for site work/ledge/rock removal. Chairman Tillotson mentioned that there have been a number of projects before the Board recently where ledge/rock removal was a big concern, and the issue will continue with the open land that is left in town. Chairman Tillotson stated he would like to see the Board be proactive on the issue and should get a working group together that includes the Fire Department as well.

New Business

Posting of Meeting Martials

Chairman Tillotson mentioned to the Board at all the meeting martials sent to the Board members will now also be available online for the public to view.

Next meeting
December 28th meeting

At 8:33 PM Mr. Jonathan Kranz made a motion to cancel the Planning Boards December 28, 2021, meeting. Ms. Nathan King seconded. Vote to approve by roll call vote: Mr. Nathan King, aye; Ms. Julie Murray, aye; Mr. Jonathan Kranz, aye; Chairman Tillotson, aye and Mr. Ken Diskin, abstained.

The Next Planning Board meeting will be January 11, 2022

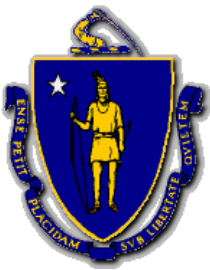
Meeting Adjournment

At 8:43 PM Jonathan Kranz made a motion to adjourn. Ms. Julie Murray seconded. No discussion. No discussion. Vote to approve by roll call vote: Mr. Jonathan Kranz, aye; Mr. Nathan King, aye; Ms. Julie Murray, aye; Mr. Jonathan Kranz, aye and Chairman Tillotson, aye.

Minutes recorded and submitted by Heather Hampson, Administrative Coordinator

Planning Board Approval _____
Date

Planning Board Chairman (Geof Tillotson)



Commonwealth of Massachusetts
**EXECUTIVE OFFICE OF
HOUSING & ECONOMIC DEVELOPMENT**
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December 15, 2021

Dear Local Officials in MBTA Communities:

On January 14, 2021, Governor Baker signed an omnibus economic development package into law, which is now known as Chapter 358 of the Acts of 2020. Notably, this bill included the *Housing Choice* zoning reforms to better enable municipalities to adopt certain zoning measures that promote housing by a simple majority vote. It took a multi-year effort to get this much needed reform across the finish line. It is rooted in a simple principle: where there is majority consensus in communities around increasing housing production, a minority of voters should not be able to block zoning reform. We continue to be encouraged by local leadership around the Commonwealth of Massachusetts that are leveraging this tool to approve housing supportive zoning and development.

The same bill also included a new multi-family zoning requirement for MBTA communities. When the Governor signed this provision, he made clear that the Administration intends to take a thoughtful approach in developing compliance criteria in accordance with the new law. Today, we present draft guidelines and other relevant documents to the 175 MBTA communities affected by this new law. You are receiving this communication because you represent one of those communities.

New Section 3A of Massachusetts General Laws Chapter 40A provides the following:

Section 3A. (a)(1) An MBTA community shall have a zoning ordinance or by-law that provides for at least 1 district of reasonable size in which multi-family housing is permitted as of right; provided, however, that such multi-family housing shall be without age restrictions and shall be suitable for families with children. For the purposes of this section, a district of reasonable size shall: (i) have a minimum gross density of 15 units per acre, subject to any further limitations imposed by section 40 of chapter 131 and title 5 of the state environmental code established pursuant to section 13 of chapter 21A; and (ii) be located not more than 0.5 miles from a commuter rail station, subway station, ferry terminal or bus station, if applicable.

(b) An MBTA community that fails to comply with this section shall not be eligible for funds from: (i) the Housing Choice Initiative as described by the governor in a message to the general court dated December 11, 2017; (ii) the Local Capital Projects Fund established in section 2EEEE

of chapter 29; or (iii) the MassWorks infrastructure program established in section 63 of chapter 23A.

(c) The department, in consultation with the Massachusetts Bay Transportation Authority and the Massachusetts Department of Transportation, shall promulgate guidelines to determine if an MBTA community is in compliance with this section.

The Department of Housing and Community Development (DHCD) issued preliminary guidance on January 29, 2021, which provided that all MBTA communities will be deemed to be in compliance until more specific guidelines are developed and made available to affected MBTA communities. Since then, the Executive Office of Housing and Economic Development (EOHED) and DHCD engaged in discussions with stakeholders to inform the compliance guidelines the law requires us to issue. This included an interagency work group consisting of staff from EOHED, DHCD, MassDOT, MassHousing, Mass Housing Partnership (MHP), and MassDevelopment. EOHED and DHCD also worked closely with MHP's Center for Housing Data to incorporate data analysis that informed the compliance framework. We are pleased to be able to share with you today DHCD's draft guidelines for public comment and review.

Consistent with how this Administration has approached other issues, the draft guidelines do not take a one size fits all approach. Because of the diversity of MBTA communities, a multi-family district that is reasonable in one city or town may not be reasonable in another city or town. The draft guidelines propose that a zoning district of "reasonable size" will be determined by the type of public transit service in each community.

It is important to remember that this law is all about **zoning**—the rules that establish what can be built, and where—and not the permitting of individual projects or the production of actual housing units. Over time, the zoning changes adopted at the local level as a result of this law will enhance landowners' opportunities to develop multifamily housing that will serve the needs of communities. The immediate impact of this law, and the implementing guidelines, is to establish a clear set of rules with which municipalities must comply to preserve eligibility for certain types of state funding.

We recognize that this new requirement will require adjustments for your community, and we are ready to provide answers to your questions. Through a suite of technical assistance resources, our offices and MHP are eager to be a partner with you as you work through this process.

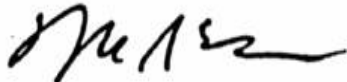
Please know, final guidelines will be issued once DHCD has an opportunity to solicit, deliberate on, and respond to comments from MBTA communities and other interested stakeholders. The draft guidelines may be modified as appropriate based on this additional public input. We intend to spend the next few months focused on this aspect of the work. We want to provide detailed information to all of you on what we have proposed today and we want to get your thoughts and reactions.

We think this can be another tool in our larger effort to confront the state's housing crisis. This new requirement will complement existing efforts to encourage transit-oriented housing development. By allowing multifamily housing near transit, we can create new housing in walkable neighborhoods closer to transit, which is not just good housing policy, it is good climate and transportation policy, too. It is important that Massachusetts continue to leverage housing best practices to meet the state's housing needs and this new requirement does that by setting the table for more housing near transit centers.

We want to call out a near term assignment for any MBTA community that wishes to participate in two grant programs that are part of the upcoming 2022 Community One Stop for Growth. It is no coincidence that we are releasing this on the same day as we open the Expression of Interest (EOI) for prospective One Stop applicants that want to discuss priority projects with us ahead of the next cycle. By way of background, the law provides that a noncompliant MBTA community will not be eligible for funds from the following grant programs: (i) the Housing Choice Initiative; (ii) the Local Capital Projects Fund; or (iii) the MassWorks Infrastructure Program. In order to be eligible for the upcoming grant cycle, MBTA communities must complete the "MBTA Community Information Form" by May 2, 2022. Communities that satisfactorily complete this straightforward online form will be deemed compliant for 2022 while we work on ironing out final compliance criteria guidelines.

We encourage you to visit mass.gov/mbtacomunities for the draft guidelines and all relevant information and updates, including the technical assistance referenced above.

Sincerely,



Mike Kennealy
EOHED Secretary

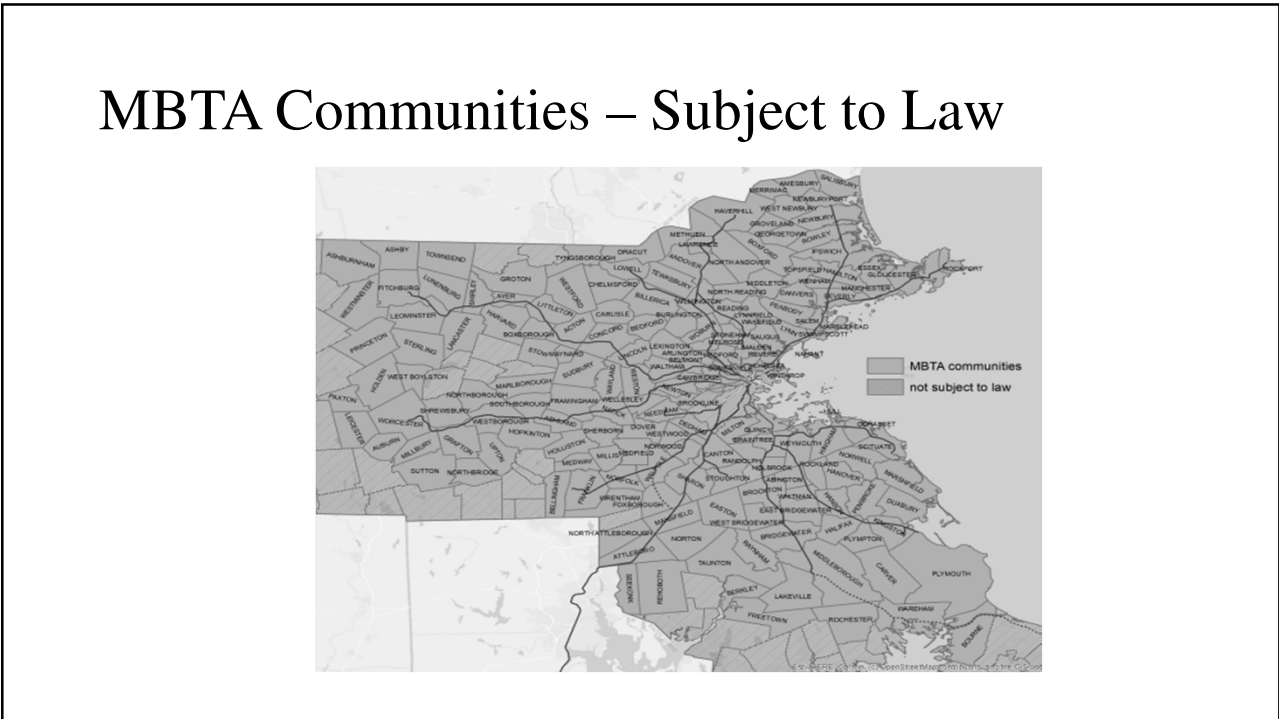


Jennifer D. Maddox
DHCD Undersecretary

MBTA Commuter Community Zoning

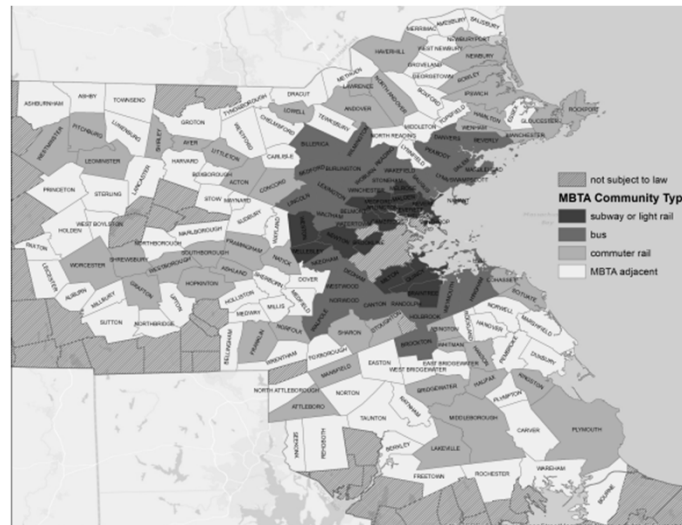
Section 3A of M.G.L. ch. 40A

1



2

MBTA Communities – By Type



3

Overview of Section 3A of the Zoning Act

New Section 3A of Massachusetts General Laws Chapter 40A provides the following:

- **Section 3A.**

- (a)(1) An MBTA community shall have a zoning ordinance or by-law that provides for at least 1 district of reasonable size in which multi-family housing is permitted as of right; provided, however, that such multi-family housing shall be without age restrictions and shall be suitable for families with children. For the purposes of this section, a district of reasonable size shall: (i) have a minimum gross density of 15 units per acre, subject to any further limitations imposed by section 40 of chapter 131 and title 5 of the state environmental code established pursuant to section 13 of chapter 21A; and (ii) be located not more than 0.5 miles from a commuter rail station, subway station, ferry terminal or bus station, if applicable.
- (b) An MBTA community that fails to comply with this section shall not be eligible for funds from: (i) the Housing Choice Initiative as described by the governor in a message to the general court dated December 11, 2017; (ii) the Local Capital Projects Fund established in section 2E of chapter 29; or (iii) the MassWorks infrastructure program established in section 63 of chapter 23A.
- (c) The department, in consultation with the Massachusetts Bay Transportation Authority and the Massachusetts Department of Transportation, shall promulgate guidelines to determine if an MBTA community is in compliance with this section.

4

Ayer Planning Board – Next Steps:

Determine Zoning Districts Affected by the New Zoning Requirements:

- Within 0.5 miles of Commuter Rail Station
- Determine if currently compliant with new “as of right” multi-family zoning requirement

Possible Steps Needed to be Taken:

- Assess square area of each contiguous area affected
- Assess applicability of “metrics” promulgated in Compliance Guidelines
- Determine if any actions needed to be taken
 - If action is needed, determine timeline and dates for actions needed

Approach/Questions/Thoughts?

Resources:

- <https://www.mass.gov/info-details/multi-family-zoning-requirement-for-mbta-communities>