



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
NOV 03 2022
TOWN OF AYER
TOWN CLERK
12:20 pm

November 9, 2022

****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

**Site Plan Modification, Public Hearing, Air 22 LLC, 22 Fitchburg Road
(Hannaford / Shop n' Save site)**

**Continued Public Meeting, Stratton Hill Preliminary Subdivision Plan,
35 lots off of Wright Road**

- Conservation Findings per Ayer Zoning Bylaw section 10.1.3 B.3
- Discussion of and 'Sense of the Board' on required waivers
- Decision on the Preliminary Plan possible

Town Planner Update

Meeting Minutes –

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.

S. J. MULLANEY ENGINEERING, INC.
CIVIL SITE DESIGN & PERMITTING

October 7, 2022

Ayer Planning Board
1 Main St.
Ayer, MA 01432-1365

Re: Site Plan Approval Modification – Air 22, LLC, 22 Fitchburg Rd., Tax Parcels 11-55 and 18-2
SJME Plan 34-D-5, r7, 100722.

Dear Members of the Ayer Planning Board:

On August 3, 2017, the Ayer Planning Board (APB) approved an application for Site Plan Approval for construction of three buildings with appurtenant parking and utilities at the above-referenced location. APB extended the approval in 2019 and again in 2021 until August 3, 2023.

The approved site plan was submitted to the Massachusetts Department of Transportation (MADOT) for their determination as to the necessity of the project requiring a Highway Access Permit. Per MADOT the location of the drive-through building would trigger an Access Permit and modifications along frontage to sidewalk, curbing, and drainage curb inlets would be required. MADOT was agreeable to dividing the project into two phases. Phase 1 includes the auto parts store and building addition as these did not exceed the thresholds requiring an Access Permit and the stormwater basin does not discharge onto Fitchburg Road. MADOT required that the site plan be revised showing the Phase 1 without the drive-through building. Phase 2 includes the drive-through building and drainage modifications required by MADOT requiring a Highway Access Permit.

In addition to drainage modifications for Phase 2 MADOT determined that the existing drainage connection to Fitchburg Road would require a separate permit. Despite the drainage connection existing for over 60 years, MADOT's current Standard Operating Procedures require existing connections to be eliminated or approved. Given the site's existing development, elevation, topography, hydrologic conditions, and abutting development the discharge to another location is not feasible. The stormwater basin constructed in Phase 1 would not have been able to address the concerns noted by MADOT. Additional justifications, measurements, calculations, and plans were required to allow the existing drainage connection to remain. Courtesy copies of the information supplied to MADOT concerning the drainage connection have been supplied to the Ayer Department of Public Works as they are the Stormwater Agent per the Stormwater Bylaw.

Since the 2021 extension, the owner has moved forward with building plans, building contracts, easements, leases, financing etc. Additional site information was requested by the future tenants geotechnical engineer to confirm soil conditions on site. Also, negotiations were conducted with the abutter regarding the relocation of the existing sewer service and easement to 60 Fitchburg Road. Site exploration was performed on April 13, 2022, which uncovered a previously unknown fire service line the existing grocery store. The soil exploration revealed that the water table at the rear of the property was higher than previously estimated. These site discoveries along with the proposed two phases resulted in the following proposed modifications to the approved site plan:

1. Two phase approach placing the drive through building temporarily on hold. Phase 1 modify site plan approval to permit / construct the auto parts store and building addition. Phase 2 modify site plan approval to permit / construct drive-through building and address MADOT comments.
2. Reduction of the four-unit retail strip addition to three-units.
3. Enlarging the rear stormwater basin footprint while reducing the paved area.
4. Raising the stormwater basin elevations to meet groundwater offsets.
5. Raising the auto parts store floor elevation by 6-inches.
6. Relocate the sewer line and easement away for the auto parts store.

October 7, 2022
Ayer Planning Board
Re: Site Plan Approval Modifications – Air 22, LLC
Parcel 18-2, 22 Fitchburg Rd.
Page 2 of 2.

On May 9, 2022 Paul DiGeronimo (owner /applicant), Laura O’Kane (General Manager for Geronimo Properties and I met with Mark Archambault (Town Planner), Geoffrey Tillotson (APB Chair), Ken Diskin (Vice Chair), Alan Manoian (Director Community & Economic Development) to discuss the merits of allowing an administrative modification of the project into two phases with the above noted changes. The changes noted above enabled the project to continue with Phase 1 while addressing the MADOT concerns of Phase 2. Phase 2 would be brought to the APB for a formal site plan modification encompassing the MADOT concerns while adapting the layout to the current Zoning requirements.

Construction has begun on Phase 1 and MADOT is amenable to the Phase 2 revisions depicted in the 10/7/2022 revision. However, MADOT will not issue a permit until they receive and review the revised plans. We have incorporated most of the changes in the Zoning By-laws that occurred from original 2017 approval (2009 Zoning) to the 2022 modified site plan (2019 Zoning) but are need of two (2) waivers.

The following waivers are being requested from the APB:

1. From Ayer Site Plan Regulations §VII (b) to allow light poles 30' tall versus the maximum 15' tall within the interior parking as found in §9.1.6 of the Ayer Zoning Bylaws, which matches the existing condition.
2. From Ayer Stormwater Regulations for Phase 2 of the project as stormwater from this phase is being permitted with MassDOT.

Summary of Changes from 2017 Approval (2009 Zoning Bylaws) to 2022 Modification (2019 Zoning Bylaws):

Criteria	2017	2022
Lot Area (S.F.) (Min. 15,000 S.F.)	195,742	195,742
Building Area (S.F.)	38,289	36,750
Floor Area Ratio (%)	20	19
Paved Area (S.F.)	109,046	105,965
Parking (#)	166	169
Open Space (%)	24	27
Landscaping Area	37,495	47,157
Landscaping (%) Paved Area	34	44
Lighting	30 FT	30 FT

Thank you for your consideration in this matter. Please contact us with any questions or requests for additional information and to inform us of the meeting time and date for the permittee to appear before the Planning Board regarding this matter.

Sincerely,
S. J. MULLANEY ENGINEERING, INC.



Mikael A. Lassila, P.E.

Cc: client



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:

- 12 per M.A. 1. ~~Sixteen (16)~~ copies of the completed application form and narrative
- 8 per M.A. 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~~ (\$250 fee for Site Plan Modification)

***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: AIR 22 LLC
Address c/o Geronimo Properties, Inc., 975 Merriam Ave., Suite 213, Leominster, MA 01453-1220
Telephone 978-840-0008
E-mail laura@geronimoproperties.com
2. AGENT FOR OWNER (if applicable): SJ Mullaney Engineering, Inc., Attn. Mikael Lassila
Address 305 Whitney Street, Suite G3, Leominster MA 01453
Telephone 978-534-3131 x-11
E-mail mlassila@sjmullaney.com

3. PLAN INFORMATION:

Plan Title: Site Plan of Land in Ayer, MA located at 22 Fitchburg Road
Revision Date: Revised through 10/7/2022 (Original date: 6/60/2017)
Prepared By: SJ Mullaney Engineering, Inc.
Address: 305 Whitney Street, Suite G3, Leominster MA 01453
Phone Number: 978-534-3131 x-11

REASON FOR SITE PLAN:

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

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

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

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

All new commercial and industrial construction.

CHECK LIST FOR SUBMISSION

SITE PLAN INFORMATION REQUIRMENTS:

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

PLAN REQUIRMENTS

General Information

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

Buildings, Structures, and Appurtenances

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

Landscaping, Open Space, Drainage, Stormwater and Environmental Features

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

Utilities

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

Vehicular Traffic, Circulation and Parking

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

Pedestrian and Bicycle Circulation and Safety

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

Outdoor Lighting

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

6. ANY ADDITIONAL SUBMITTALS AS NEEDED

None

7. SIGNATURE OF OWNER/PETITIONER _____

Date

10-7-2002

8. SIGNATURE OF AGENT FOR OWNER (if applicable)

Date

9. RECEIVED BY THE AYER TOWN CLERK: Date

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

Prepared by Mark Archambault, Ayer Town Planner

Date: Friday, November 4 for the Wednesday, November 9 Planning Board meeting

Site Location / Zoning District(s): 22 Fitchburg Road / General Business

Assessor's Map and Parcel Numbers: Map 18, Parcel 2

Tract or Parcel Size Undergoing Development: 195,742 sq.ft. or 4.5 acres

Type of Application: Site Plan modification

Other Permits needed: NHDOT Curb Cut permit

Applicant: Air 22, LLC

Landowner if different from Applicant: ---

Engineer or Surveyor: S.J. Mullaney Engineering, Inc.

I. Project Description and Interdepartmental Review

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



22 Fitchburg Road (Lot 18-2) with supermarket, above

- a. Project Proposal: A bit of history is necessary in order to put this proposal in context, as there have been several changes to plans over the years. On **August 3, 2017**, the Ayer Planning Board approved a Site Plan for construction of three buildings and associated parking and utilities at this site. These included a four-unit retail strip addition to the westerly side of the existing Hannaford supermarket at 4,895 sq.ft.; a 6,889 sq.ft. free-standing building and an 1,824 sq.ft. coffee shop with drive thru and canopy. The applicant later proposed reducing the size of the attached building as well as the free-standing store envisioned as an auto parts store.

The applicant later settled on a two-phase approach to the rest of the construction. The first would allow construction to begin within the parameters of the original 2017 Site Plan approval, with minor changes that were handled administratively. Please see the attached May 10, 2022 memo from Mika Lassila of M.J. Mullaney Engineering for more details. The second phase, which is represented by this current application, seeks to modify the original approval in a more comprehensive fashion.

Over the years, and most recently due to the Covid-19 pandemic, the applicant has sought and received several (2) two-year extensions from the Planning Board in which to complete the approved work in 2019 and then 2021. Phase Two of this project proposes to modify the 2017 Site Plan approval by meeting the requirements of the current Ayer Zoning Bylaw and Site Plan Regulations in regard to stormwater, lighting, landscaping and parking. It is my understanding that updated signage for the site will be proposed later and be reviewed by the Building Commissioner.

Under Phase Two, the following is proposed:

- Construct the small retail building on the eastern end of the property with drive-thru.
- Address all MADOT comments regarding curb cuts and roadway access onto Fitchburg Road.
- Reduce the four-unit retail strip addition which is to be attached to the existing supermarket from four to three units.
- Enlarge the rear stormwater basin while also reducing impervious paved areas.
- Raising the stormwater basin elevations to meet groundwater offsets.
- Raise the auto parts store floor elevations by six inches.
- Relocate the sewer line and easement away from the auto parts store.
- A new landscaping plan that expands the areas of green / open space on the property when compared to existing conditions.

MADOT will not issue their final curb cut / access permit(s) until they receive and review the final site plan which is before the Planning Board.

Comparison of 2017 site conditions with 2022 Phase Two Modification:

Summary of Changes from 2017 Approval (2009 Zoning Bylaws) to 2022 Modification (2019 Zoning Bylaws):

Criteria	2017	2022
Lot Area (S.F.) (Min. 15,000 S.F.)	195,742	195,742
Building Area (S.F.)	38,289	36,750
Floor Area Ratio (%)	20	19
Paved Area (S.F.)	109,046	105,965
Parking (#)	166	169
Open Space (%)	24	27
Landscaping Area	37,495	47,157
Landscaping (%) Paved Area	34	44
Lighting	30 FT	30 FT

Waiver Requests:

The applicant is requesting two waivers from Town of Ayer regulations, the first from the Site Plan Regulations and the second from the Stormwater Regulations.

1. From Site Plan Regulations Section VII.(b) to allow light poles 30 feet tall versus the maximum 15 feet fall within the interior parking so as to meet the aim of Section 9.1.6 C. of the Ayer Zoning Bylaw.
2. From Ayer Stormwater Regulations as the stormwater is being permitted with MADOT.

b. Interdepartmental Comments:

Board of Health: “All retail food establishments will need to submit plans for approval through the Board of Health.”

Town Clerk: “Both parcel 11-22 and 18-2 are paid current.”

Fire Dept.: “No Fire Department issues.”

Police Dept.: “No comments at this time.”

Building Commissioner: “Approved” / Town Manager: Defer to the Planning Board

Conservation Commission: “The Conservation Commission has no comments on this project. Project is outside of the Commission’s jurisdiction.

Ayer DPW: **See separate letter in packet.**

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

- a. Zoning District(s): General Business
- b. Plan Completeness: I believe the submitted Site Plan Modification is complete and ready for Acceptance by the Planning Board.
- c. Needed Reviews, Approvals and Permits: MADOT Curb Cut permit

Recommendations

- a. Recommendations for Upcoming Meeting: I first recommend that the Planning Board **ACCEPT** the application package for Site Plan Modification for consideration and then open the Public Hearing.
- b. Recommended Planning Board Findings: I recommend that the Planning Board **FIND** that the Site Plan Modification to 22 Fitchburg Road meets the Site Plan approval criteria found in Section 3.5.4 of the Ayer Zoning Bylaw.
- c. I then recommend that the Planning Board **act on the waiver requests** as described earlier in the report. The waiver for the height of the lighting fixture pole may not be applicable – further research will be done in time for the November 9 PB meeting.
- d. Recommended Planning Board action: If the Board is ready at the November 9, 2022 meeting, I recommend that the Planning Board **APPROVE** the Site Plan Modification as submitted by AIR 22, LLC for 22 Fitchburg Road, with the following Findings and Conditions:
- e. Recommended Planning Board Conditions: In addition to the applicable General Conditions of Approval, I recommend the following **Special Conditions**:
 1. The applicant **must extend the sidewalk** in front of 22 Fitchburg Road to cover the entire lot's frontage, subject to applicable MADOT approval and permitting, prior to the issuance of the final Certificate of Occupancy for the new buildings approved through this Site Plan Modification. If such extension is not possible due to MADOT opposition or other reasons, the applicant shall notify the Ayer Planning Board of such circumstances.
 2. Any changes to **signage** on site shall be approved by the Ayer Building Commissioner.
 3. Any changes to the stormwater management plan as approved by MADOT and as described in the Plan Set dated October 22, 2022 shall require the applicant to meet with the Ayer Stormwater Agent to discuss such changes in order to determine if a new permit is required.

DEPARTMENT OF PUBLIC WORKS

Water, Wastewater, Highway & Solid Waste Divisions

Dan Van Schalkwyk, P.E., Director
Kimberly Abraham, Water and Sewer Superintendent
Pamela J. Martin, Business Manager



25 BROOK STREET
AYER, MASSACHUSETTS 01432
T: (978) 772-8240
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November 3, 2022

Planning Board
Town of Ayer
Town Hall
Ayer, MA 01432

RE: 22 Fitchburg Road Site Plan Modification Review and Comments

Dear Board Members:

The Ayer DPW has reviewed the Site Plan Modification for 22 Fitchburg Road.

Documents and Correspondence:

- Site Plan modification and Detail sheets for Site Plan of Land in Ayer, Massachusetts Located at 22 Fitchburg Road, Plan Nos 34-D-5, prepared by S.J. Mullaney Engineering, Inc.
- Letter from S.J. Mullaney Engineering Inc. to Ayer Planning Board dated October 12, 2022
- Application for Site Plan Review dated October 12, 2022
- Lighting Design Plans, October 12, 2022

Comments

1. The sidewalk should continue along the entire frontage of 22 Fitchburg Road so a future extension can be made. This is MassDOT jurisdiction and coordination with them as part of their permit process should be completed. I have made MassDOT aware of the need for a sidewalk extension on Fitchburg Road with a future connection to 65 Fitchburg Road.
2. We do not have any issues with the stormwater design. The calculations appear adequate, the stormwater design is an improvement from the original design, and there's a permitted discharge to MassDOT's storm drain system.
3. The lighting plan appears to have adequate coverage and no adverse impacts to neighboring properties. We recommend the lights be dark sky compliant.

Should you have any questions or comments, please do not hesitate to contact this office.

Regards,

AYER PUBLIC WORKS DEPARTMENT

Dan Van Schalkwyk, P.E.
Director

Delaney York
Civil Engineer 1



GENERAL CONDITIONS FOR SITE PLAN APPROVAL

Air 22, LLC Site Plan Modification, 22 Fitchburg Road

- 1) The General Notes and Planning Board notes listed on the cover page of the most recent set of plan sheets, as well as details within the Site Plan itself, *dated October 7, 2022, as prepared by M.J. Mullaney Engineering, Inc.*, are hereby incorporated as conditions of this site plan approval.
- 2) No substantial modifications, additions, substitutions, alterations, or any changes shall be made in any plans without the written approval of the Planning Board after a determination is made whether such changes or alterations are substantial. Any requests for substantial modifications shall be made to the Planning Board for review and approval and shall include a description of the proposed modification, reasons the modification is necessary and supporting documentation.
- 3) Unauthorized deviations from the approved Site Plan may result in the Planning Board seeking the issuance of a Cease and Desist Order until the deviation is addressed. Violation of any condition contained herein or failure to comply with the site plan shall subject the Applicant to a zoning enforcement action in accordance with the remedies set forth in M.G.L. c. 40A.
- 4) The Applicant shall comply with all applicable local, state and federal laws, regulations and by-laws pertaining to the proposed development as well as the conditions of any permit, approval or order of other agencies or authorities.
- 5) If applicable, copies of the following state or federal permits shall be submitted when issued:
 - a) DEP Public Water Supply Permit
 - b) NPDES Stormwater Permit
 - c) Sewage Disposal Works Construction Permit
 - d) DEP Industrial Wastewater Holding Tank Compliance Certificate
- 6) The Applicant shall obtain a Building Permit prior to construction of the solar array complex and a Certificate of Complication prior to operation.
- 7) Prior to the commencement of authorized site activity, the Applicant shall provide to the Building Inspector and to the Planning Board office the name, address and business phone number of the individual who shall be responsible for all activities on site.
- 8) Members or agents of the Planning Board shall have the right to enter the site at any time to gather all information, measurements, photographs or other materials needed to ensure compliance with this approval.
- 9) The Applicant and/or property owner shall provide twenty-four (24) hour notice to pertinent Town departments, including the Building Inspector and the Department of Public Works Superintendent, prior to commencing any work on the site that requires inspection or review.

- 10) The following facilities and aspects of operation and maintenance of the Development shall remain private, and the Town of Ayer shall not be requested to take responsibility for operation or maintenance of same:
 - a) All interior driveways and parking areas
 - b) Storm water management facilities, including detention basins
 - c) Water drains, pumping and storage facilities
 - d) Snow plowing
 - e) Landscaping

- 11) The Applicant shall comply with the State Building Code and with the following requirements pertaining to the Building Inspector and Public Works issues:
 - a) Pre-construction meeting among the Applicant, Contractor, Building Inspector, and/or the Public Works Department.
 - b) Prior to construction, submission of construction drawings and the Approved Site Plan to the Building Inspector.
 - c) Completion of all off-site construction in conformance with the Department of Public Works Standards and Specifications. The Applicant shall submit construction drawings to the Department of Public Works for review and approval for all off-site improvements. This work would include clearing, signage, striping, paving and grading.
 - d) Prior to the issuance of a Certificate of Occupancy, the Applicant's agent (contractor or engineer) shall provide written certification that all site improvements have been installed and constructed in accordance with the Approved Site Plans and the conditions of this Site Plan Approval decision.
 - e) The Applicant shall be responsible for cleaning up any sediment carried into either the Town's or abutting property owner's rights-of-way resulting from construction on the site.

- 12) During construction, the Applicant shall conform to all local, state and federal laws regarding noise, vibration, dust, odor, erosion controls, and blocking of Town roads. The Applicant shall at all times use all reasonable means to minimize inconvenience to residents in the general area. Construction on exterior features shall not commence on weekdays before 7:00 AM and shall not continue beyond 7:00 PM and on Saturday before 8:00 AM and ending by 3:00 PM. There shall be no construction on any Sunday or State or Federal legal holiday.

- 13) Sediment tracked onto Fitchburg Road from construction activities shall be swept at the conclusion of each construction day, until all work areas have been properly stabilized.

- 14) Litter and debris in the access road, landscaped and buffer areas shall be removed daily to maintain a neat and orderly appearance.

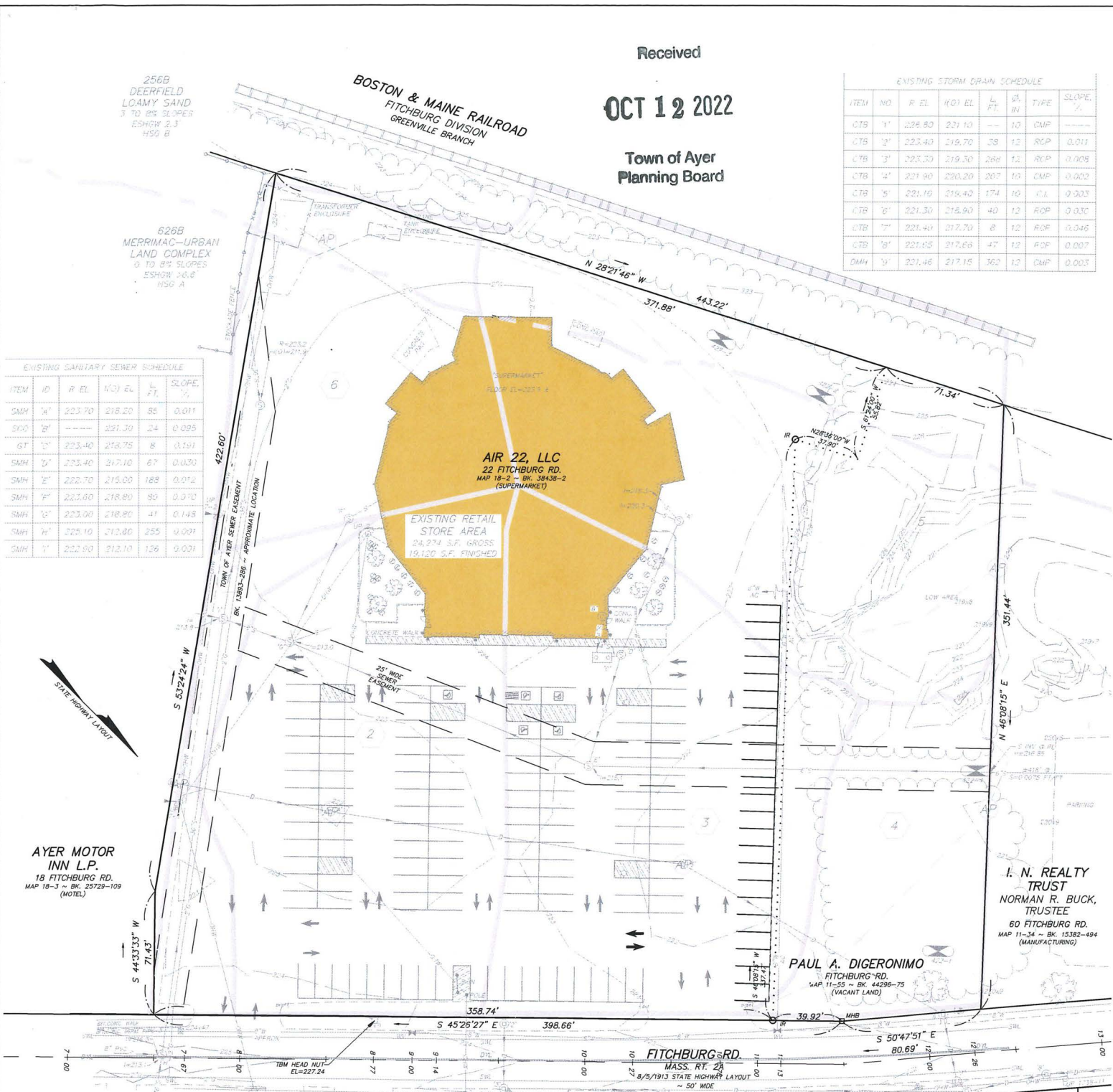
Received
OCT 12 2022
 Town of Ayer
 Planning Board

EXISTING STORM DRAIN SCHEDULE

ITEM	NO.	R EL.	(FO) EL.	L FT.	S	TYPE	SLOPE %
CTB	1'	224.80	221.10	---	1.0	CMP	---
CTB	2'	223.40	219.70	3.8	1.0	RCP	0.011
CTB	3'	223.30	219.30	2.6	1.0	RCP	0.009
CTB	4'	221.90	220.20	2.0	1.0	CMP	0.003
CTB	5'	221.10	219.40	1.7	1.0	CMP	0.003
CTB	6'	221.30	218.90	4.0	1.0	RCP	0.030
CTB	7'	221.40	217.70	6	1.0	RCP	0.046
CTB	8'	221.05	217.68	4.7	1.0	RCP	0.007
DMH	9'	221.46	217.15	3.6	1.0	CMP	0.003

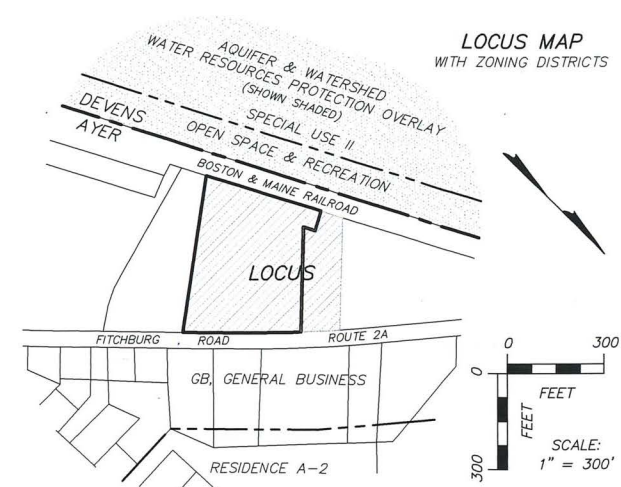
EXISTING SANITARY SEWER SCHEDULE

ITEM	ID	R EL.	(FO) EL.	L FT.	S	TYPE	SLOPE %
SMH	1'	223.70	218.20	5.5	0.011		
SD	2'	---	221.30	2.4	0.025		
GT	3'	223.40	218.75	8	0.191		
SMH	4'	223.40	217.10	6.7	0.030		
SMH	5'	222.70	215.00	18.9	0.012		
SMH	6'	223.00	218.80	80	0.010		
SMH	7'	223.00	218.80	41	0.145		
SMH	8'	222.10	210.00	255	0.001		
SMH	9'	222.60	212.10	136	0.031		



- LEGEND**
- EXISTING**
- ZONING DISTRICT LINE
 - PROPERTY LINE
 - LOCUS
 - DEED DIVISION LINE
 - EASEMENT LINE
 - MASSACHUSETTS HIGHWAY BOUND
 - IRON ROD
 - REGISTRY OF DEEDS BOOK
 - STATIONED STREET CENTER LINE
 - TEMPORARY BENCHMARK
 - ELEVATION
 - INDEX CONTOUR
 - INTERMEDIATE CONTOUR
 - TREE LINE
 - TREE
 - RAILROAD
 - BUILDING
 - FENCE
 - LIGHT POLE, 4 HEAD, ±30'
 - UTILITY POLE
 - OVERHEAD WIRES
 - GUY WIRE
 - RIM OR SURFACE ELEVATION
 - INVERT ELEVATION
 - OUTLET INVERT ELEVATION
 - CENTER TO CENTER LENGTH
 - DIAMETER
 - PVC POLYVINYL CHLORIDE PIPE
 - REINFORCED CONCRETE PIPE
 - CORRUGATED METAL PIPE
 - GAS LINE
 - HYDRANT
 - WATER GATE VALVE
 - WATER MAIN
 - PIPE FLOW DIRECTION
 - SANITARY SEWER MANHOLE
 - SANITARY SEWER CLEANOUT
 - GREASE TRAP
 - GRAVITY SANITARY SEWER LINE
 - SANITARY SEWER LOCATION ID.
 - CATCH BASIN
 - STORM DRAIN MANHOLE
 - STORM DRAIN LINE
 - STORM DRAIN LOCATION NO.
 - PAVEMENT EDGE WITH BERM
 - BIT. CONC. PAVEMENT EDGE
 - ACCESSIBLE PARKING SPACE
 - PAVEMENT MARKING
 - MARKING TO BE REMOVED
 - WALL MOUNTED LIGHT ±8'H
 - STORMWATER
 - SOIL MAP UNIT DIVIDE
 - SOIL MAP UNIT PER 2009 MIDDLESEX COUNTY SOIL SURVEY
 - ESTIMATED SEASONAL HIGH GROUNDWATER
 - HYDROLOGIC SOIL GROUP
 - HYDROCAD SUBCATCHMENT DESIGNATION
 - SUBCATCHMENT LIMIT
 - DRAINAGE ANALYSIS POINT
 - CONCENTRATION TIME FLOW PATH
 - HYDROCAD DRAINAGE POND DESIGNATION

- LEGEND**
- PROPOSED**
- TYP TYPICAL
 - S.F. SQUARE FEET
 - RADIUS
 - INDEX CONTOUR
 - INTERMEDIATE CONTOUR
 - ODD CONTOUR
 - SPOT GRADE
 - SQUARE FOOT CONTOUR AREA
 - TRAVELED WAY SLOPE
 - GRASSED SLOPE
 - RUNOFF DIRECTED TO BASIN '58'
 - BUILDING
 - PAX DOOR
 - AT-GRADE GARAGE DOOR
 - BUILDING UNIT DIVIDE
 - DUMPSTER
 - GUARD RAIL
 - OVERHEAD WIRES
 - GAS SERVICE
 - 1" Ø TYPE K COPPER INDIVIDUAL DOMESTIC WATER SERVICE
 - WATER SERVICE SHUT-OFF
 - SANITARY SEWER LOCATION ID.
 - GRAVITY SANITARY SEWER SERVICE
 - HDPPE HIGH DENSITY POLYETHYLENE
 - RIP-RAP
 - STORM DRAIN LOCATION NO.
 - STONE DIKE
 - 6" Ø HDPPE ROOF DRAIN & OUTLET
 - 5' WIDE RIP-RAP WEIR
 - FLOW DIRECTION
 - 100 YEAR STORM BASIN EXTENT
 - BITUM. CONC. PAVEMENT EDGE
 - BITUMINOUS CONCRETE PAVEMENT EDGE WITH VERTICAL GRANITE CURB
 - PARKING CURB STOP
 - BITUM. CONCRETE WALKWAY EDGE
 - ACCESSIBLE WALK LEVEL LANDING
 - ACCESSIBLE WALKWAY RAMP
 - PARKING COUNT
 - ACCESSIBLE PARKING SPACE
 - PAVEMENT MARKING
 - BOLLARD
 - EROSION CONTROL BARRIER
 - PYLON SIGN
 - AUTOMOBILE IN DRIVE-THRU QUEUE
 - UNDERGROUND ELECTRIC
 - DOUBLE HEADED LIGHT, 30' POLE ON CONCRETE BASE (#5)
 - SINGLE HEAD LIGHT, 15' POLE ON CONCRETE BASE (#2)



DIMENSIONAL SCHEDULE

ZONING	CRITERIA	UNIT	GB DISTRICT		PARCEL		TOTAL
			MAX.	MIN.	18-2	11-55	
1)	LOT AREA	S.F.		15,000	153,318	42,424	195,742
2)	FRONTAGE	FT.	100	358.74	120.61	479.35	

ZONING	CRITERIA	UNIT	GB DISTRICT		EXISTING		PROPOSED		TOTAL
			MAX.	MIN.	SUPER MARKET	RETAIL STRIP	AUTO PARTS	DRIVE-THRU	
§6.2	3) a.	FRONT YARD	FT.		20	220.3	238.9	52.2	52.8
	3) b.	SIDE YARD	FT.		25	84.8	134.6	26.0	46.9
	3) c.	REAR YARD	FT.		20	31.4	109.2	220.8	355.3
	4) a.	HEIGHT	FT.	35		27	< 35	21	< 35
§6.3.B.1	4) b.	STORIES			3	1	1	1	1
	4) c.	FLOOR AREA RATIO		1.25		0.12			0.19
	4) d.	COVERAGE	%	60		12			19
	4) e.	AREA	S.F.			61,238			53,027
	PAVED AREA	S.F.			31				27
	PAVED AREA	S.F.							105,965

INDEX

SHEET	DESCRIPTION
2	GRADING, LAYOUT & UTILITY PLANS
3	STORM WATER POLLUTION PREVENTION
4	SPECIFICATIONS, LANDSCAPE DETAILS
5	SURFACING & UTILITY DETAILS
6	SEWER, WATER, STORM DRAIN DETAILS
7	TRAFFIC MANAGEMENT MADOT DETAILS
8	MADOT CONSTRUCTION DETAILS

KELLY ARVIDSON & CLAYTON ARVIDSON
 17 FITCHBURG RD.
 MAP 11-35 - BK. 49026-198 (SINGLE-FAMILY HOUSE)

CHELDIN MULHOLLAND PROPERTY, LLC
 19 FITCHBURG RD.
 MAP 11-51 - BK. 68843-129 (RETAIL STORE)

CLAYTON ARVIDSON
 21 FITCHBURG RD.
 MAP 11-50 - BK. 16009-448 (AUTO REPAIR)

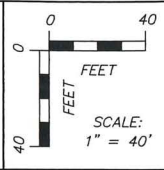
BRIAN T. ANDERSON
 25 FITCHBURG RD.
 MAP 11-32 - BK. 41403-78 (FUNERAL HOME)

REVISION	NO.	BY	DATE	ENGINEER
MASSDOT COMMENTS 9/1/22, TABLE LEGEND	7	MAL	10/7/2022	Mikael A. Lassila
MASSDOT COMMENTS 8/29/22, NO CHANGES THIS SHEET	6	MAL	8/30/2022	
MASSDOT COMMENTS 8/12/22, NO CHANGES THIS SHEET	5	MAL	8/19/2022	
INDEX	4	MAL	7/27/2022	
LEGEND, TESTHOLES, SPOT GRADES, WATER MAIN	3	MAL	4/23/2022	
REDUCE BLDG, CURB CUT, PARKING ALIGNMENT, BASIN	2	MAL	1/19/2022	
LEGEND - PYLON SIGN	1	SJM	8/4/2017	
ORIGINAL ISSUE	---	---	6/30/2017	

EXISTING CONDITIONS



SITE PLAN OF LAND IN
AYER, MASSACHUSETTS
 LOCATED AT
22 FITCHBURG ROAD



PREPARED FOR OWNER AND APPLICANT
AIR 22, LLC
 C/O GERONIMO PROPERTIES, INC., 975 MERRIAM AVENUE, SUITE 213
 LEOMINSTER, MA 01453-1220
 TEL: 978 840-0008 FAX: 978 840-0009

DESIGN: MAL
 DRAWN: MAL
 CHECK: MAL
 REF:

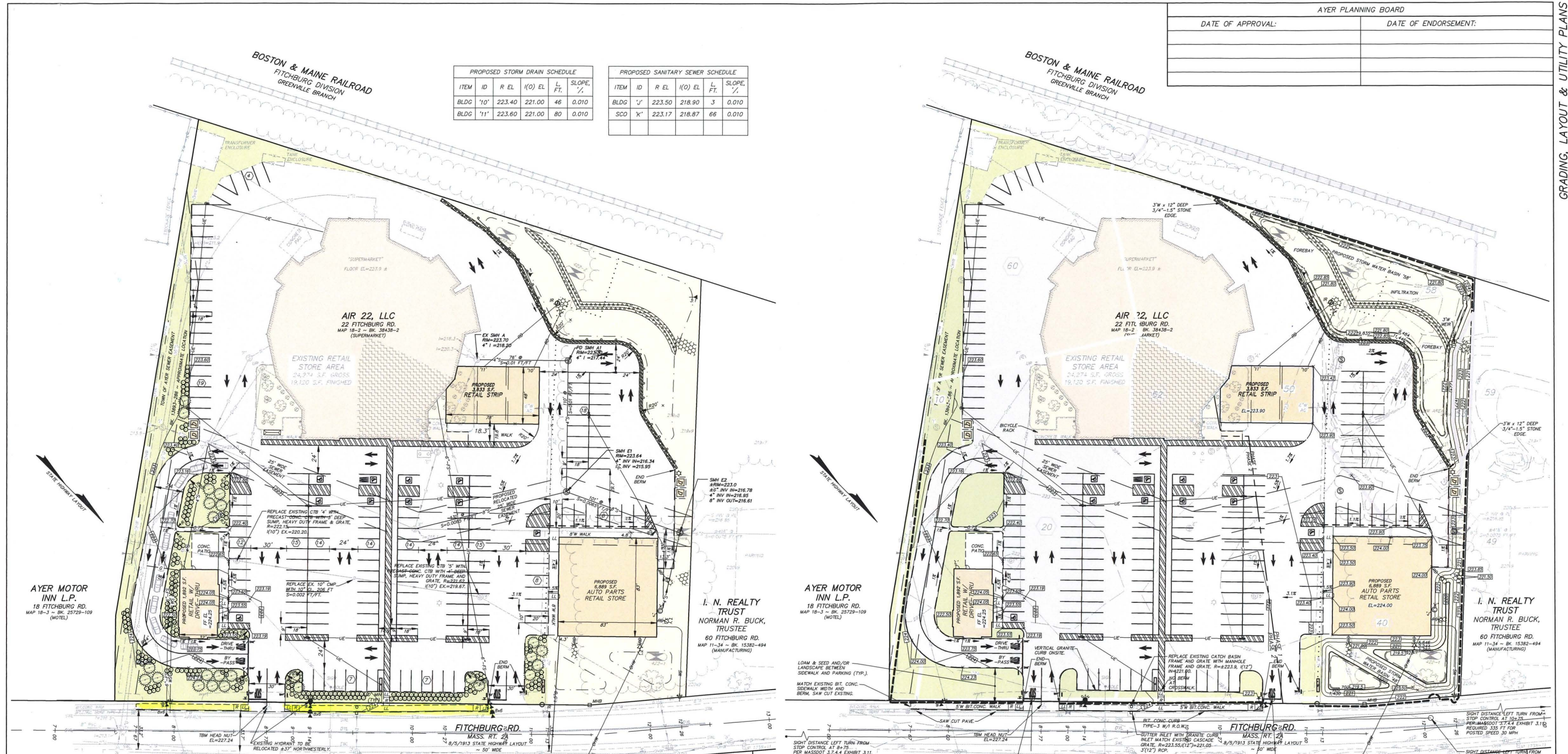
S. J. MULLANEY ENGINEERING, INC.
 CIVIL SITE DESIGN & PERMITTING
 305 WHITNEY ST. - SUITE G3 - LEOMINSTER, MA 01453-0752
 TEL: 978 534-3131 - FAX: 978 534-3197 - EMAIL: info@sjmullaney.com

SHEET 1 OF 8
 PLAN NO. 34-D-5

EXISTING CONDITIONS

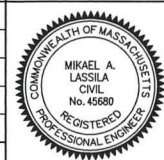
AYER PLANNING BOARD	
DATE OF APPROVAL:	DATE OF ENDORSEMENT:

PROPOSED STORM DRAIN SCHEDULE						PROPOSED SANITARY SEWER SCHEDULE					
ITEM	ID	R EL.	I(O) EL.	L FT.	SLOPE, %	ITEM	ID	R EL.	I(O) EL.	L FT.	SLOPE, %
BLDG	'10'	223.40	221.00	46	0.010	BLDG	'J'	223.50	218.90	3	0.010
BLDG	'11'	223.60	221.00	80	0.010	SCO	'K'	223.17	218.87	66	0.010

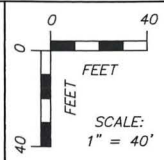


REVISION	NO.	BY	DATE	ENGINEER
MASSDOT COMMENTS 9/1/22, LANDSCAPE & LIGHTING	7	MAL	10/7/2022	Mikael A. Lassila
MASSDOT COMMENTS 8/29/22, NO CHANGES THIS SHEET	6	MAL	8/30/2022	
MASSDOT COMMENTS 8/12/22, X-WALK REMOVED, RCP NOTED	5	MAL	8/19/2022	
BLDG ADDED, CURB CUT, MASSDOT COMMENTS	4	MAL	7/27/2022	
REDUCE BLDG, REMOVE BLDG, W/DRIVE-THRU, BASIN, SEWER	3	MAL	4/23/2022	
REDUCE BLDG, CURB CUT, PARKING ALIGNMENT, BASIN, LOT LINE WALKWAY, DONUT DUMPSTERS, PYLON SIGNS	2	MAL	1/19/2022	
ORIGINAL ISSUE	1	SJM	8/4/2017	
			6/30/2017	

LAYOUT & UTILITY



SITE PLAN OF LAND IN
AYER, MASSACHUSETTS
 LOCATED AT
22 FITCHBURG ROAD



PREPARED FOR OWNER AND APPLICANT
AIR 22, LLC
 C/O GERONIMO PROPERTIES, INC., 975 MERRIAM AVENUE, SUITE 213
 LEOMINSTER, MA 01453-1220
 TEL: 978 840-0008 FAX: 978 840-0009

DESIGN:	MAL
DRAWN:	MAL
CHECK:	MAL
REF:	

GRADING

S. J. MULLANEY ENGINEERING, INC.
 CIVIL SITE DESIGN & PERMITTING
 305 WHITNEY ST. - SUITE G3 - LEOMINSTER, MA 01453-0752
 TEL: 978 534-3131 - FAX: 978 534-3197 - EMAIL: info@sjmullaney.com

SHEET	OF
2	8
PLAN NO.	
34-D-5	

GRADING, LAYOUT & UTILITY PLANS

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

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

3 November 2022

Groton Office:
204 Gay Road
Groton, Massachusetts 01450

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

RE: "Stratton Hill" Subdivision, Wright Road

Dear Board Members:

I thought it might be helpful to provide an updated list of waivers.

VI (H) Landscape Plan

This section requires the submission of a landscape plan showing, inter alia, trees on the site which are more than 12" in diameter. The site is heavily treed, and most of it will remain in its natural state subsequent to development. It is also my client's intent to retain the existing woodland vegetation to the extent possible within the development area. We will provide a landscape plan with the definitive plan showing street trees where the existing vegetation needs to be augmented, the area within the boulevard entrance to the site, and the previously disturbed area which was to be occupied by the westerly subdivision road. We will also identify areas on the definitive plan where the natural vegetation within the development area is to remain.

VI (P) Signage and Road Striping

This section requires striping on the subdivision road. We would prefer that the road maintain the appearance of a country lane; the striping gives it an urban feel which is not consistent with the surrounding neighborhood.

VI (F).2 Test Hole Data

This section requires the submission of test hole data at 200 foot intervals along the subdivision road. This information was provided and reviewed in 2005; we have submitted data for the areas occupied by the drainage system.

VII.B.4.b. Configuration of Dead- End Road Turn- Around

We have chosen a loop design for both aesthetic and practical reasons. This configuration has allowed us to significantly reduce the development area situated to the North of the powerline easement, thus enlarging the open space and enhancing the viability of the open space as wildlife habitat. The loop design of the subdivision road also reduces the amount of pavement, and thus results in less stormwater run-off.

I should note that the verbiage in the subdivision regulations can be read to allow for the type of configuration we have chosen; recognizing, however, that we do not show a traditional dead- end configuration, a waiver probably should be discussed.

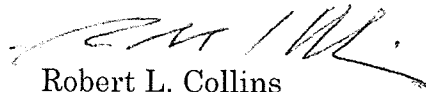
VII.B.4.a Length of Subdivision Road

As submitted the plan envisions a boulevard type entrance leading to a large loop. There are thus two entrances, and the loop begins less than 650 feet from the subdivision road entrance. The configuration is not what one would normally consider to be a dead- end.

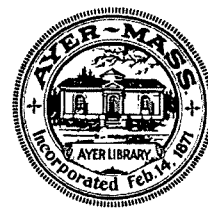
A second subdivision road could easily be added to the design, but doing so does not provide anything that the boulevard entrance doesn't provide, and would only add additional pavement. An additional benefit of the design is to minimize the aesthetic impact to the existing neighborhood.

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

Memorandum

To: Ayer Planning Board

From: Mark Archambault, AICP, Ayer Town Planner

Re: November 3, 2022 letter from Attorney Collins re Waivers

Date: November 4, 2022

Preface

I had asked Attorney Collins to request two additional waivers that have been identified as being necessary per the Ayer Subdivision Regulations, one for the configuration of the terminus of a subdivision road, and the other for a dead-end road in excess of 650 feet. Attorney Collins sent the attached letter to the Planning Board late in the afternoon of November 3, after I had completed my Staff Report to the Planning Board. The following is a discussion of the claims he makes in his letter.

Addendum to November 3, 2022 Staff Report on Stratton Hill Preliminary Plan

From Atty. Collins Letter of 11-3-22: “I should note that the verbiage in the subdivision regulations can be read to allow for this type of configuration we have chosen, recognizing, however, that we do not show a traditional dead-end configuration, a waiver probably should be discussed.”

The Ayer Subdivision Regulations are clear and unequivocal in regard to the terminus they require:

Sec. VII B. 4 Dead End Streets

(a) Dead-end streets shall not be longer than six-hundred fifty (650) feet excluding turn around circle.

(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.

This requirement fits closely with countless standards and definitions in subdivision regulations all across the country, referring to the traditional closed circle or cul-de-sac design that has been widely employed in subdivisions everywhere for decades. Since the Ayer Subdivision Regulations do not specify any other kind of terminus, such as a hammerhead, half hammerhead or loop, the requirement in VII b. 4 is clear. This does not mean that a closed turnaround is a better design than a loop; it just means “this is what the Reg.’s says,” and for this reason, a waiver from this requirement is necessary.

From Atty. Collins Letter of 11-3-22: As submitted, the plan envisions a boulevard type entrance leading to a large loop. There are thus two entrances....

The Preliminary Plan drawing shows a straight way that is bisected by a narrow planting strip where it meets Wright Road; that strip runs northward into the property for approximately 250’. The new street is exactly the same as the kind of entryway that provides access to many subdivisions and residential developments, including some in Ayer and surrounding towns.

It is a significant stretch to claim that the insertion of a narrow planting strip at the Wright Road entrance constitutes a “two entrance street,” and therefore is not a dead-end street. The commonality in all definitions of dead-end street is that *there is one way in and the same way out*. It is apparent that the Stratton Hill Road is indeed a dead end, and therefore requires a waiver from this requirement.

From Atty. Collins Letter of 11-3-22: A second subdivision road could easily be added to the design but doing so does not provide anything that the boulevard entrance doesn't provide...

The idea of adding a second subdivision road is meaningless on its face. It has not been requested, and no public safety department of the Town of Ayer has asked for such a configuration.

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 #3: “Decision Report” for November 9, 2022

STRATTON HILL PRELIMINARY SUBDIVISION PLAN

Prepared by Mark Archambault, AICP, Ayer Town Planner

Date: Thursday, November 3 for the Wednesday, **November 9, 2022 Planning Board meeting**

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 (*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

EXECUTIVE SUMMARY

IF the Planning Board is inclined to act on the Preliminary Plan on November 9, there are three main actions that must be taken:

1. The Planning Board makes its ‘Conservation Findings’ per AZB section 10.1.3.B. These are discussed in detail on pages 3 and 4 of this report, with suggested text on page 4.
2. The Planning Board should give it’s ‘Sense of the Waivers’ that will later be voted on in the Definitive Plan stage. This ‘sense of the Board’ is not necessarily final, as information may be identified during Definitive Plan review that affects the Board’s actual vote on the waivers at that time. I recommend that the PB discuss each item in turn, as there was discussion regarding some of these requests at earlier meetings that may need to be revisited.
3. The Planning Board then votes to ‘Approve’, ‘Approve with Modifications’, or ‘Deny’ the Preliminary Plan. 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 deliberations would suggest that the Definitive Plan be as close in design to the Preliminary Plan eventually approved by the Planning Board.

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. THE PRELIMINARY SUBDIVISION PLAN PROCESS:

Preliminary Plans under Massachusetts law: (Carried over from last report)

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 for the Definitive Plan filing to follow, 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 facilities, 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. Over the decades, the Preliminary Plan process has evolved as informed guidance from the Board to the applicant, in shaping the official filing, which is the Definitive 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.

It also 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 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

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'.

PLANNING BOARD ACTION ON THE PRELIMINARY PLAN:

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.

A) Conservation Findings

Though I much prefer that development be kept to the south of the powerline easement, as I believe it affords the greatest protection to Blanding's Turtles and other wildlife species as reflected in the Peer Review analysis prepared by the BSC Group, as well as the recommendations of the Ayer Conservation Commission, I recognize that the applicant has made efforts to modify the subdivision's layout to minimize the environmental impacts of a 35-lot subdivision by:

1. Shortening the length of the original loop road so to pull development further to the south.
2. Keeping most of the house lots and areas to be disturbed within the area previously cleared so as to minimize impacts to areas of mature forest.
3. Eliminating proposed house lots on the eastern side of the road to minimize impacts from development and stormwater to Long Pond, reflecting the ecological importance of Long Pond as emphasized in both the BSC Group analysis and recommendations of the Conservation Commission.
4. Providing approximately 87% of the tract as proposed open space compared to the minimum requirement of 50%.

If the Planning Board is favorably inclined to suggest the granting a waiver at the Definitive Plan stage for length of a dead-end road exceeding 650 feet, which would enable development north of the powerline easement, **then I firmly believe that special conditions need to be placed on the Definitive Plan approval to further mitigate potential environmental impacts** in this area.

These could include, but not be limited to:

1. Installation of **'turtle / wildlife underpasses'** with appropriate fencing.
2. **Use of Cape Cod bituminous berms (or no berms)** where the proposed roadway crosses the ROW so as not to impede the movement of turtles and other wildlife that did not use the wildlife underpasses.
3. Using **LID stormwater techniques** to the maximum feasible extent, to reduce the size of any stormwater basins, especially in the area sloping towards Long Pond.
4. **Limitations on the timing of any blasting or rock hammering**, especially north of the powerline easement, so as not to disturb turtles, birds and other wildlife during their nesting periods or other especially sensitive times of the year. This will likely require further analysis and consultation with wildlife experts.
5. **Limits on the use of road salt, sand and other de-icing agents** so as to reduce stormwater pollution and ensure that any water that infiltrates be clean.
6. **Adjusting the sequence of development** in order to shorten the amount of time needed for blasting and site preparation, especially north of the powerline easement.
7. **Planting of suitable native trees and landscaping** to supplement vegetation in areas that have previously been cleared or which will enhance appearance and attractiveness to wildlife. These mitigations could come in the form of a Landscape Plan sheet in the Definitive Plan submission.
8. **Resident outreach** to people moving into homes in Stratton Hill by distributing "*Living with Turtles*" brochures or the like which educate residents on Blanding's Turtles and other wildlife they are sharing living space with and how they can protect such wildlife.

This list is not intended to be final at this point but is intended as a starting point for discussion during Definitive Plan review. Some of the items may turn out not to be advisable, depending on the recommendations of wildlife experts who will be consulted in order protect wildlife habitat and wildlife movement to the greatest extent possible.

Therefore, if the sense of the Planning Board is to allow development north of the powerline easement through granting of the waiver for dead-end road length, I recommend the Board make the following **CONSERVATION FINDINGS** per Section 10.1.3.B of the Ayer Zoning Bylaw section prior to acting on the Preliminary Plan:

1. The Board FINDS that the proposed amount and configuration of open space, as reflected in the most recent Plan Set dated October 7, 2022, meets and indeed exceeds the amount of open space required in Section 10.1.3 C of the Ayer Zoning Bylaw (AZB).
2. The Board FINDS that the development envelope for the proposed 35 lot subdivision is configured in such a way as to minimize impacts to areas of mature forest and the slope down to Long Pond.
3. The Board therefore FINDS that the proposed Preliminary Subdivision Plan meets the purpose and intent of the Open Space Residential Development of the AZB.
4. The Board therefore FINDS that with the appropriate mitigation measures, that environmental impacts can be mitigated such that the subdivision has minimal impact on the surrounding mature forest land and Long Pond.

B) 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, a ‘sense of the Board’.** 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.”
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”.
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.
4. Configuration of dead-end road turn-around: Section VII. B.4.b 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.*” The current Subdivision Regulations require that all dead-end streets provide a closed end turnaround having an outside paved road diameter of at least 80’ and 100’ at the property line.

The looped design might be considered to be more desirable from the point of view of enhancing wildlife habitat and reducing the amount of paved surface and stormwater runoff compared to the configuration required from Section VII.B.4.b, which would require a longer road north of the powerlines in order to obtain the same lot yield.

If the subdivision road is to extend north of the powerline easement, then I believe that it is best planning practice to have a loop road at the northern end rather than a conventional turn-around as called for in Section VII.B.4.b of the Ayer Subdivision Regulations.

5. Length of subdivision road: A waiver 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.

The current Ayer Subdivision Regulations limit the length of a dead-end street to 650'. Back at the time of the 2004-05 approval of the Stratton Hill **conventional** subdivision, this limit appears to have been 500', not including the additional dimension of the turnaround circle.

The records from that earlier time do not indicate that a waiver was granted for this maximum dead-end length, apparently because the 2004 road configuration was not considered a dead-end as it connected to Wright Road at two locations.

The proposed looped road, similar to but not exactly the same as the layout of the 2004 subdivision, is in excess of 4,300' in length now, decreased from more than approximately 5,500' in prior submissions in the past year. However, measured hypothetically in a straight line from Wright Road, as if a straight linear cul-de-sac road was being constructed, the proposed street would be approximately 900' in length, which is still 250' more than the 650' limit.

Although the general *concept* of a looped road has existed since the beginning of the Stratton Hill subdivision, the roadway has changed in significant ways. **The exact layout, certain design details, horizontal geometry/alignment, and the connection to Wright Road have all been modified compared to the 2004 Conventional Plan.** For example, the earlier plan had a distinctly "two-pronged" ingress/egress design where the proposed street intersected with Wright Road at two points. **This means that the presently proposed street is not precisely the same as the one in the 2004 definitive plan.**

The one commonality in all definitions of "dead-end street" is that there is one way in, and one way out. These circumstances would seem to indicate that the prudent thing to do is for the applicant to seek this waiver at the definitive plan stage, and for the Planning Board to give it's 'sense of the Board' on such future waiver request now.

A favorable inclination on this waiver could be based upon the facts that **a)** the applicant has demonstrated flexibility in making adjustments to the Preliminary Plan lot layout in response to environmental concerns, and **b)** to the fact that the shape and characteristics of the overall tract make it relatively narrow in a north/south configuration, thus greatly limiting the ability to spread lots in a more east/west direction and thus keep all of the house lots south of the powerline easement.

Recommendations for the November 9, 2022 Planning Board 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. This should be the first action at the November 9, 2022 meeting. *This discussion appears on pages 3 and 4 above.*

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. *This discussion appears on pages 4 – 6 above.*

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

In light of and in conjunction with the Board’s Conservation Findings in decision one above, and in the event of a favorable inclination of the Board toward future waivers for roadway design and dead-end road length, then the Board may consider voting to **approve the Preliminary Plan** for the Stratton Hill subdivision, **with modifications** (recommendations) as described in the Conservation Findings on page 3 and 4 of this report.
