

Town of Ayer

Office of the Town Planner



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Monthly Staff Report

To: Robert Pontbriand, Town Manager

From: Mark Archambault, Ayer Town Planner

Re: Monthly report for December 2020

Date: January 20, 2021

1. Project Review and Planning Board meetings:

The Planning Board met remotely on **Tuesdays, December 8 and 22**, at which it continued review of the following cases:

The Site Plan and Special Permits for the **14 Washington Street** project are still on hold for now, with the applicant granting the Planning Board an extension to the end of February.

“Panther Place” Preliminary (OSRD) Subdivision, Washington Street:

On December 8, the Planning Board opened the public meeting for a **Preliminary Subdivision Plan on Washington Street**, across from the Ayer-Shirley Regional High School.

This plan currently shows 28 single family house lots on a combined tract of about 22 acres. The northern part of the tract is bisected by a Powerline Easement under the control of the New England Power Company that covers about 2.2. acres. The Planning Board needs to make its final recommendations on the Plan by its January 26 meeting, unless the review period is extended by agreement with the applicant.

This subdivision plan has raised many issues and grey areas in the Zoning Bylaw, such as whether land under a powerline easement can count towards the 50% minimum required open space requirement. The many complexities and issues that this plan raises took a great deal of time to research and write up for the Staff Reports that are sent to the Planning Board prior to every meeting.

Forthcoming applications considered by the Land-Use Committee: The ‘Land-Use Committee’ consists of Department Heads with areas of jurisdiction or concern for development projects. The project that this group considered in December is a likely 40-B Affordable Housing project on the ‘Flag Property’ at **65 Fitchburg Road**. This plan is being proposed by the Neighborhood of Affordable Housing (NOAH). The Planning Department, Ayer Office of Community and Economic Development and Zoning Board of Appeals will all be involved in reviewing this project once applications are submitted.

On January 21, the Land-Use Committee will be meeting with representatives of Bohler Engineering to hear about plans to completely renovate the **McDonalds** on the Carlton Rotary. In addition to a complete rehabilitation of the building, site work is anticipated that will improve customer access and shorten lines to the drive-up windows. The Land-Use Committee will learn more on January 21 and I will report on the anticipated plans in next months report.

Zoning Bylaw amendments:

As part of my 2020 – 2021 work plan, I will work to **simplify and reorganize the parking section** of the Ayer Zoning Bylaws. During review for 3-5 Park Street and 14 Washington Street, it became apparent that this section of the Bylaw had confusing and ambiguous provisions, with some modifications requiring special permits, others variances and still others which are waivable from the Planning Board.

As parking is an integral part of any project proposed under the recently adopted Form-Based Codes, revising the parking section will simplify and expedite Planning Board review of applications. I now anticipate that these amendments will be brought before the Fall 2021 Town Meeting.

I am also exploring minor changes to the **Open Space Residential Development (OSRD)** section of the Bylaw to clarify the definition and requirements of what can qualify as open space, as well as adjusting the overly generous density bonuses to obtain a scale of subdivision development more in keeping with the objectives of protecting open space and Ayer's natural heritage. The **Petapawag Area of Critical Environmental Concern (ACEC) bylaw** will be developed over the course of this year and is anticipated to be voted on at the Fall, 2021 Special Town Meeting. This project is one of the high priorities of the Master Plan and is aimed at providing greater protection to Ayer's last remaining large forest blocks, which are also of high ecological value.

2. Ongoing Projects continuing into December 2020:

- I am still researching the legal and procedural issues related to a **marijuana wholesale delivery business** that a prospective owner / operator of a yet to be approved cultivation facility would like to engage in. This is a new area of State Law overseen by the Cannabis Control Commission (CCC), on which our current Bylaw is silent because such businesses were not included in the original legislation. The CCC is currently in the process of finalizing the regulations as to whether and how such delivery licenses would be permitted and regulated. I am keeping a close watch on developments in this regard.
- I am in the process of planning the approach to a **Build-Out Study of the Form-Based Code districts**, which would determine the approximate number of new residential units and commercial square footage that could be developed in these districts. These numbers in turn could help determine the water and waste-water demand, the number of school-aged children and perhaps most importantly the number of parking spaces that must be provided to make such development viable.
- I have committed to completing the Open Space Residential Development (OSRD) '**Design Guidelines**' with the Conservation Administrator over the next few months.
- The Planning Board and Conservation Commission will be holding a joint meeting in January to discuss how to better coordinate the review of OSRD subdivisions.

