

AUGUST 16, 2022

Samuel A. Goodwin, Jr., Chairman
Ayer Zoning Board of Appeals
Ayer Town Hall
1 Main Street

Ayer, Massachusetts 01432

RE: Response to Municipal Comment Letters
Ayer Commons Comprehensive Permit Application

Dear Chairman Goodwin and Members of the Board:

On behalf of the Applicant, Neighborhood of Affordable Housing, Inc. ("NOAH"), BSC Group, Inc. (BSC) is pleased to provide the following responses to written comments submitted by Town Department Heads to the Zoning Board of Appeal to assist in the review for the proposed Ayer Commons affordable residential project.

For ease in review, the municipal comment that was submitted to the Board is set forth below in *italicized* text, with the response made on behalf of the Applicant set out in **bold** text. Appended to this response, please also find the following updated plans, as referenced in the below responses: a) Layout and Material Plan, Sheet C-102, revised through 8.15.22; b) Utility Plan, Sheet C-104, revised through 8.15.22; c) Civil Details IV Sheet C-203, revised through 8.15.22; and d) Fire Truck Turning Plan, revised through 8.15.22.

TOWN MANAGER

Town Manager Comment: The Select Board and Town Manager are supportive of the affordable housing and recognize the need for affordable housing in Ayer.

Response: Acknowledged.

HEALTH AGENT

Health Agent Comment: This is in a light industrial area – with a considerable amount of units (very close to Fitchburg Rd). Will there be consideration for dust, odor & noise complaints? Will areas for trash be fenced in?

Response: The project locus is within both the Light Industry, General Business and Residence A-2, with the majority of the proposed residential buildings and parking areas located primarily within the portion of the property zoned as General Business. Prior to construction, the contractor shall prepare a construction management plan, to be implemented during the construction phase(s) of the proposed redevelopment of the Property, with consideration to minimization of dust, odor and noise. As depicted on the Materials and Layout Plan, the trash area, which is located adjacent to the western of the parking area behind the westernmost building along Fitchburg Road; the trash area will be enclosed as indicated on the plan.

DEPARTMENT OF PUBLIC WORKS

Department of Public Works General Comments:

1. Fitchburg Road is a MassDOT State Highway and the traffic impacts and mitigation will need to be coordinated, reviewed and approved by MassDOT.

Response: Acknowledged.

2. All infrastructure improvements must comply with Ayer DPW/MassDOT requirements.

Response: Acknowledged.

3. DPW has included an allowance for this size project in our water and wastewater capacity planning.

Response: Acknowledged.

4. Requested Waivers: I am not completely familiar with the waiver process for a 40B development. However, I must question the following waivers:

- a) Water and Sewer Connection fees – estimated connection fees for the water and sewer are as follows:

Units	# of Bedrooms	Total # of Bedrooms	Total Water Connection Fee (\$1,500/unit)	Total Sewer Connection Fee (\$1,800/unit)
76	2/3 bed units	182	\$273,000.00	\$327,000.00
30	1 bed units			

Note: the above table does not include water connection fees for fire sprinkler connections

Response: The overall intent of Chapter 40B is to lower those barriers that stand in the way of the development of affordable housing. In light of these objectives, the Board has the power to reduce or eliminate water and sewer connection fees as confirmed by the Housing Appeals Committee in prior decisions; the Board is encouraged to make every effort to do so in this instance.

NOAH has requested a waiver of the water and sewer connection fees that were in effect at the date of its 40B permit application submittal. While the 40B process is also available to for-profit developers, it is relevant to note that NOAH is not such an entity. NOAH is a non-profit, community development corporation, committed to providing safe and affordable housing to Ayer. With respect to the project submitted to the Board for its review, the Ayer Commons project provides for 100% of its units to be leased to eligible persons/families. In contrast, Chapter 40B requires only 25% of the units in a 40B development be made available to persons earning no more than 80% AMI. If NOAH only sought to comply with the minimum affordability requirements of Chapter 40B, it would only provide 27 affordable units and 99 market rate units, as contrasted to the 106 affordable units presented in its application.

As presently designed, the water and sewer connections are established as one connection per building. The project includes seven residential buildings and one community building.

- b) I did not see a waiver from Town's Stormwater Bylaw and Regulations.

Response: The initial waiver list included within the Comprehensive Permit Application had not referenced the Stormwater Bylaw and Regulations. As the Project is further reviewed by the Board and its Peer Reviewers, an updated Waiver List will be submitted to reflect comments and/or design adjustments. It is anticipated that the updated Waiver List will seek a waiver of the Local Stormwater Bylaw/Regulations; however, the Project will adhere to the applicable Massachusetts Stormwater Management Standards and the Applicant suggests that as a condition of the comprehensive permit, compliance with the state standards be a condition of the Board's approval.

5. Granite curbing should be required at all radii.

Response: Granite curbing is now provided at the entrance radii and the radii of the main intersection. See revised Sheet C-102 Layout and Material Plan (Revised 8-15-2022).

6. *A side walk along the frontage and connection to the Shop n Save should be required in accordance with the Town's Complete Streets Policy.*

Response: It is noted that this comment applies to an off-site improvement to a public street. The Complete Streets Policy is largely a town-focused policy to provide accessible and efficient connections between home, school, work and retail/recreational destinations. The policy is not a mandate for private (or nonprofit) developers, although "where feasible" the policy is encouraged to be incorporated into public and privately funded projects. NOAH looks forward to discussing options with the Town as to possible MassWorks funding, and feels that the Ayer Commons proposal will further the Town's viability for such funding.

7. *The parking access driveway width of 20-ft should be increased to 24-ft.*

Response: The entrance access drive is shown on the project plans at a width of 22 feet, which slightly narrows to 21 and 20 feet as the access drive reaches the rear portion of the development envelope, approximately adjacent at the very rear portion of the Phase II four-story building.

The aisles widths within the surface parking areas to the east and west of the access entry drive consistently provide for 20-foot widths, which adheres to the required minimum width for two-way traffic under Section 9.1.5(B)(1) of the Zoning Bylaw. A turning analysis has been done to show that the largest Ayer emergency vehicle (Fire Ladder-1) has enough room to navigate the site, see Fire Truck Turning Plan.

8. *Will there be any speed humps to slow internal traffic.*

Response: As presently designed, there are no speed bumps proposed within the project site.

9. *Where will mailboxes be located?*

Response: The community building will house a central mailroom.

10. *Show proposed lighting on a photometric plan.*

Response: A photometric plan will be prepared and submitted to the Board.

11. *Show proposed plantings on a planting plan.*

Response: See Sheet L-300 of the Preliminary Architectural Plan Set

12. *Does the site have an existing septic system?*

Response: The Nashoba Associated Board of Health does not have any record of a septic system on the property, however there is a 500 gallon pit (last pumped in 2018) located on 63 Fitchburg Road which is the address of the Sidney Landscaping Services building. Any septic system encountered during construction will be removed per Title V standards.

13. *Will the property be managed by a real estate management company or an HOA?*

Response: The property will be managed by a private property manager, anticipated to be Peabody Properties.

Department of Public Works Water and Sewer Utility Comments:

1. *Water and sewer utilities on the site shall be privately owned and maintained. The DPW will not take over ownerships of the wastewater pumping station, collection system and pumping system (including force main). Water system components such as vales, hydrants, and fire lines shall be privately owned and maintained.*

Response: Acknowledged.

2. The water system design is not complete. Applicant must submit water hydrant flow testing data. It's not clear where water system components, such as hydrants, valves and curb stops, will be located, where the street connection will be made, and pipe sizes. I did not see any details for the water system.

Response: The water system has been updated and now includes hydrants, valves, pipe sizes, tees, gate boxes and valves. See revised Sheet C-104 Utility Plan (Revised 8-15-2022) and Sheet C-203 Civil Details IV (Revised 8-15-2022).

3. The existing house has a water service that will need to be abandoned.

Response: Acknowledged.

4. Sewer pump station design and layout will be approved by Ayer DPW.

Response: Sewer design and layout will be included within the final plans, to be submitted prior to making application for a building permit.

Department of Public Works Stormwater Comments:

1. There is a significant number of water quality and underground infiltration units which require routine maintenance. The Owner of the Long Term Pollution Prevention and O&M shall be required to submit an annual report to DPW detailing stormwater maintenance and inspections performed each year.

Response: Acknowledged.

2. As noted in General Comment 5b, the Town's stormwater bylaw was not identified in the waivers. If this is the case, the design must meet the requirement of the Town's Stormwater Bylaw and Regulations. Due to the potential redesign of stormwater, I did not perform a detailed review of the stormwater calculations.

Response: Please see NOAH's Response to General Comment 5b above. Applicant will update its waiver list to include a waiver under the local Stormwater Bylaw and Regulations. The Project will adhere to the MassDEP Stormwater Management Standards.

POLICE CHIEF

Police Chief Comment: None @ this time.

FIRE CHIEF

Fire Chief Comment: Make sure the parking lot areas accommodate the turning radius of our longest fire truck (Ladder-1). We can provide that information if needed.

Response: A truck turning analysis has been completed and the site does accommodate the longest fire truck (Ladder-1). Fire Truck Turning Plan is attached.

CONSERVATION COMMISSION

Conservation Comments:

- A Notice of Intent (NOI) will need to be filed with the Conservation Commission office since there is work to be conducted within the Commission's (sic) jurisdictional area of 100 feet from a wetland.

Response: An NOI will be filed for the Project with the Conservation Commission for its review under the Wetlands Protection Act; the Comprehensive Permit is a unified permit for all local permits.

- As stated on page 11 of the Application for Comprehensive Permit, Natural Heritage, and Endangered Species Program (NHESP) had been contacted and Priority Habit has been identified. A permit from NHESP will need to be obtained for work on site to protect the species found on the site. The Commission request a copy of the letter from NHESP.

Response: Applicant shall comply with required review by NHESP, and obtain such determination from the State agency as applicable to the Project. Based on preliminary feedback from NHESP, the limit of work has been established to maintain a minimum of 75 feet from the protected fern species. The setback is shown on the Layout and Materials Plan. Likewise, as presented to the Board, the building layout provides for a compact design, which both increases the amount of open space on the project site as a whole, while also avoiding a roadway crossing across vegetated wetlands and the intermittent stream, to further protect the habitat of the blanding turtle. No structure, parking or access drive areas will be within Bordering Vegetated Wetland ("BVW") areas; as noted by the Commission, there are portions of the surface parking and access drive that are located in the buffer zone.

- The proposed project is split into two phases, both phases will have buffer zone disturbance. The Conservation Commission office is requesting more information regarding the phasing of this project and the extent of the work that will be conducted in each phase. For example, will the site be cleared in phase one, with only construction of buildings and infrastructure to be in two phases?

Response: To be determined by the developer.

TOWN CLERK

Town Clerk Comment: 100% support of affordable housing for Ayer!!

Response: Acknowledged.

ECONOMIC AND COMMUNITY DEVELOPMENT

Comment: Recommend approval.

Response: Acknowledged.

TOWN PLANNER

Comment: In general, I am very supportive of the proposed Ayer Commons Comprehensive permit application and project. The town of Ayer certainly needs this quantity and quality of affordable housing. I also believe that this development may finally spur redevelopment and improvements to the Fitchburg Road corridor, which is perhaps not one of Ayer's most scenic roads.

On initial review, it appears that the general site plan is well laid out and designed, though I desire more time to go through the site plan in depth so as to be able to provide more specific comments. I know the Planning Board is also eager to review the application and plans and offer its comments on the proposed project.

Response: Acknowledged.

Conclusion

We believe these responses address the written comments from other Town departments as submitted to the Board and provided to the Applicant. Should you have any questions on this information, please do not hesitate to reach out. We look forward to meeting again with the Board on August 17, to address these matters together with BSC's traffic engineer who will present the findings of the traffic study, as previously submitted on July 27, 2022.

Sincerely,
BSC Group, Inc.



Taylor Dowdy, P.E., LEED AP

Senior Project Manager

Senior Associate

Encl.

cc: Paul Haverty
Stephanie Kiefer