

Town of Ayer Planning Board

Thursday, August 6, 2015

Location: 1st Floor Meeting Room Ayer Town Hall

Members Present: Jeremy Callahan (JC), Jenn Gibbons (JG) and Richard Roper (RR) .

Absent was Geof Tillotson (GT)

6:00 PM OPEN SESSION

BOARD MEMBER UPDATES/ANNOUNCEMENTS

- PB Chairman to send notice to Board of Selectmen to initiate the joint appointment process to fill Planning Board vacancy.
- Two applicants interested in the filling PB vacancy.
- July Meeting Minutes Approval – Postponed

PUBLIC INPUT:

JC responded to Ruth Rhonimous' written questions relative to the public hearing procedures for Site Plan Review. JC explained that the Ayer Planning Board no longer publishes legal notices or sends out notifications to abutters regarding Site Plan Review hearings. This decision was based upon a ruling from Town Counsel that the Town of Ayer Site Plan Bylaw as adopted is only a local administrative review because the approval process does not involve the issuance of a special permit per MGL 40A. The PB reserves the right to waive its own regulatory procedure which it did back in February 2015. JC noted that this change in procedure was mostly in part due to lack of administrative support/office staff.

PUBLIC HEARING (CONTINUATION) - SITE PLAN REVIEW FOR 15 LITTLETON RD

Chairman Callahan opened the public hearing for 15 Littleton Road. Said hearing was continued from July 2, 2015.

Revised plans were submitted by the applicant to address some of the issues/concerns raised by other town departments and members of the Planning Board and residents.

JC requested that the Planning Board further clarify the July 2, 2015 vote to invoke the Consultant Bylaw to specify the qualifying criteria.

RR motioned that the Ayer Planning Board make the finding that the proposal by the Global Montello Group to construct a retail fueling station and convenience store at 15 Littleton Road will result in more than 300 new vehicle trips per day as specified in criteria 1# of the Town of Ayer Consultant Bylaw. JG seconded the motion. VOTE: 3:0

The Board of Selectmen at their meeting in July requested that the Planning Board issue an Request for Proposal (RFP) and submit a request to award the contract to the preferred outside consultant / engineering firm to conduct the Site Plan Peer Review for 15 Littleton Road.

JC confirmed that a Request for Proposals (RFP) was issued -- However, only two (2) engineering firms responded

- 1- VHB responded that they had a conflict
- 2- Green International Affiliates, Inc. submitted a proposal dated 8/6/15

JC provided copies of the proposal submitted by Green International Affiliates to the applicant and their representatives.

COMMENTS FROM THE PUBLIC:

Barbara Wilson questioned why abutters weren't notified of the site walk conducted by the Planning Board earlier this evening?

JC explained that the Planning Board was granted permission by the applicant to conduct the site walk at 6PM this evening. The Board was accompanied by the applicant and their agents.

Mrs. Wilson reiterated her concerns about the increase in traffic along Rte 2A potentially prevent her from exiting her driveway. She questioned whether a fence could be installed along the front of the site to prevent vehicle headlights from shining onto her property at night?

It was explained that installing a fence would be a public safety concern and impede the site distance of drivers exiting the site.

Attorney Scott Fenton, Counsel for Global Montello Group responded that the applicant is more than willing to work with this abutter and would not be opposed to a condition requiring the applicant to redesign a driveway (i.e. turn around) for Mrs. Wilson and/or new landscaping.

Atty Fenton would like to see the Planning Board render its decision sooner than later and requested that the scope of services regarding the peer review be limited traffic impact study only. The proposal by his client has been in front the Zoning Board of Appeals and has already been granted the necessary zoning variances and special permits to meet the requirements of the Town of Ayer Zoning Bylaws.

After a lengthy discussion, the planning Board agreed to remove the review of the lighting plan since the applicant has agreed to make all necessary adjustments prior to the final install with members of the Planning Board present.

RR motioned the Planning Board modify the scope of work by the consultant for the Site Plan Peer Review as follows:

- a) Review of Site Development Plans for compliance with Ayer Zoning Bylaw

The application includes a plan set titled "Site Development Plans Proposed Retail Motor Fuel Outlet – Assessors Map 35 Lot 26 – 15 Littleton Rd – Ayer, MA 01432 dated June 3,

2015” by MHF Design Consultants. Review this plan set for compliance with the Town of Ayer Zoning Bylaw (2009).

b) Review of Traffic Impact and Access Study

This project will have significant access and traffic impacts. The application includes a report “Traffic Impact and Access Study – Proposed Gasoline Station/Convenience Store – Ayer, Massachusetts – May 2015” by Greenman-Pedersen, Inc. Conduct a peer analysis of this study to determine accuracy of computations and data. Review conclusions and provide traffic mitigation options. Coordinate your review with the review being conducted by MassDOT.

c) Review of Stormwater Management

Stormwater from this development will be directed to MassDOT stormwater facilities. The application includes two reports: “Stormwater Management Report – Proposed Retail Motor Fuel Outlet Map 35 Lot 26 – 15 Littleton Rd Ayer, MA 01432” and “Operation & Maintenance Plan and Long Term Pollution Prevention Plan for Stormwater Management Systems Map 35 Lot 26 – 15 Littleton Rd Ayer, MA 01432” both by MHF Design Consultants. The Ayer Department of Public Works has provided general comments in review of these documents dated July 1, 2015. Conduct a peer analysis of these studies, with guidance from the general comments from Ayer DPW, to determine the accuracy of computations and data. Review conclusions and recommend revisions as necessary.

d) Site Plan Approval – Decision

Provide guidance in the drafting of a Site Plan Approval Decision by the Ayer Planning Board.

JG seconded the motion. VOTE: 3:0

JC requested that the Planning Board take an additional vote to authorize a contract with Green International Affiliates Inc. in the amount not to exceed Fifteen Thousand 00/100 Dollars for the Site Plan Peer Review at 15 Littleton Road.

RR motioned that the Planning Board vote to authorize the Planning Board Chairman to contact Green International Affiliates to present the revised scope of services and further authorize a contract amount not to exceed Fifteen Thousand 00/100 Dollars. The motion was seconded by JG. VOTE: 3:0

JC will provide an update to the Board of Selectmen prior to their next meeting.

APPROVAL NOT REQUIRED (ANR) PLAN OF LAND - 179 W. MAIN ST.

The Planning Board met with Mr. David Allen, owner of the property located at 179 West Main Street requested endorsement of an Approval Not Required (ANR) Plan.

Mr. Allen explained that the intent behind the creation of the unbuildable parcels is for conveyance purposes (i.e. land swap) between himself and the abutting property owner to remove the pre-existing nonconformity while straighten out the property line.

The Board reviewed the plan and verified that all property affected by the change, all existing and new property lines were all identified.

RR motioned that the Planning Board endorse the ANR Plan of Land for 179 West Main Street prepared for David Allen. Motion was seconded by JG. VOTE: 3:0

ZONING BYLAW UPDATE:

JG announced that professional consultant Judi Barrett with RKG Associates has once again agreed to assist the planning board with the Town of Ayer Zoning Bylaw update. Ms. Barrett has requested that the Planning Board appoint Ms. Gibbons to be the sole point of contact to avoid confusion and inefficiencies created by having multiple individuals communicating with the Consultant.

The Planning Board Chair and the Town Administrator would be authorizing signatures on the approved contract.

RR stated that he has no objections to Jenn Gibbons being the single point of contact on behalf of the Ayer Planning Board to work with Judi Barrett/RKG because of her familiarity with the proposed zoning bylaw changes and her past experience working with Judi.

JC stated that he had no objections appointing Jenn Gibbons to be the point of contact.

JG will contact to Judi Barrett to finalize the Scope of Services and update the letter of agreement for the Planning Board Chair and Town Administrator to sign.

EMILY'S WAY SUBDIVISION DISCUSSION:

JC explained that he was contacted by the developer/owner of the approved definitive subdivision plan "Emily's Way" to discuss possible modifications to the approved plan.

No one was present on behalf of the developer --- No further discussion

RR motion that the Planning Board vote to adjourn the meeting. The motion was seconded by JG. VOTE: 3:0

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