



## PLANNING BOARD

### Town of Ayer

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#### **Minutes of the December 1, 2016 Ayer Planning Board Meeting**

Location: First Floor Meeting Room, Ayer Town Hall

Meeting was recorded by APAC

**Members Present:** James Fay, Mark Fermanian, Geof Tillotson, Sue Kennedy, Jen Gibbons was absent.

**Others present:** Bob Prescott-Pheasant Circle Development, Neil Gorman-David E. Ross Associates, Mark Saydah-41 E. Main St., Ruth Rhonemus, Sandy Bean.

Chairman Jim Fay called the meeting to order at 6:00 pm.

#### **General Business**

**Approval of the Agenda** for the meeting. Jim Fay requested that the Agenda for December 1, 2016 be approved. Sue Kennedy moved to accept the Agenda with the understanding there would be two amendments. Geof Tillotson seconded. The Board voted unanimously. Jim Fay then requested the Board consider moving the signing of the Ayer Solar Letter of Credit to after approving the Minutes. The second request was to add a discussion during the Administrative Announcements about the legalization of marijuana and how it should be zoned for its sale. Geof Tillotson moved to approve as amended, Mark Fermanian second, the Board voted unanimously to accept the amended agenda.

**Approve Minutes** from November 3, 2016 Board Meeting. GT motioned to approve, Sue Kennedy 2<sup>nd</sup>, the Board voted unanimously to accept. Jim Fay, Chair signed the minutes.

The Planning Board also met November 17, 2016, as a Working Group to update operations manual for the Board and review the subdivision documents from the Town web site. Sue Kennedy moved to accept, Mark Fermanian 2<sup>nd</sup> and the Board's vote was unanimous to accept. Jim Fay, Chair signed the minutes.

**Ayer Solar Decommissioning Letter of Credit** The letter has been resent with all signatures and notarized from both parties. Members Jim Fay, Mark Fermanian, and Geof Tillotson present at the original proceedings signed the letter. An original copy will be sent to Andrew J. Bernstein, Managing Partner Kearsarge Energy LP, 480 Pleasant Street, Suite B110 Watertown, MA 02472 and filed with the Town Clerk.

**Pheasant Circle** The Board signed the Mylar and copies of the ANR that was approved at the November 3, 2016 meeting for 3 additional lots on Pheasant Circle.

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**Site Plan Review 41 E. Main St., continued from November 3, 2016** – Jim Fay stated the discussion should be about the updated Operations and Maintenance Plan, Performance Guarantee, Compliance with DPW and the parking bylaw as required by the Building Inspector, Charlie Shultz. Mark Saydah, developer for 41 E. Main presented an update to their operations and maintenance plans from the suggestions made at the November 3, 2016 meeting. Sweeping with a street sweeper and hand pruning were removed all other maintenance would be handled by professional landscapers and monitored by the Board living in the buildings. Geof Tillotson suggested simplification allows for owners to take care of the property as the plan will be registered with the Registry of Deeds.

Storm water retention was discussed. The discussion will be continued with the DPW.

Mr. Saydah then questioned the requirement for a Performance Guarantee. He stated he had done some research about the requirement and felt because it was a private project it should not be required. Jim Fay said it was a multi-unit project so should have a bond to protect the Town if the project was not completed. Mr. Fay then deferred to the Board for further input. Mark Fermanian felt the project is somewhere between a private project and a development, but should have a guarantee. Mr. Saydah stated that most of the work would be on one side of the property.

Mr. Saydah introduced Neil Gorman from David E. Ross Associates. Mr. Gorman has reviewed the Town's bylaws. He made a presentation based on the same drawings presented at the November meeting. The argument: The Bylaws requires 2 parking spaces per unit or 8 spaces 10' X 20' in size. Gorman stated that the Bylaws seem to address commercial parking, parking lots more than residential parking. "Mr. Saydah is not creating a parking lot therefore no turnarounds etc. are needed." Both Mr. Saydah and Mr. Gorman spoke about blending in with the neighborhood theme. Gorman also mentioned that each unit has a garage as well as a driveway. Jim Fay stated they had presented a good case and then suggested Mr. Saydah frame his concerns in writing for the January 5<sup>th</sup> meeting and the Planning Board would contact the Building Department. The subject was tabled until January 5, 2017

Mr. Saydah requested to be on the Agenda for the January 5, 2017 meeting for further discussion.

#### Administrative Announcements

**Special Permit Granting Authority (SPGA)** – Jim Fay told the Board in follow-up to discussion November 3, 2016 that the Board of Selectman had responded to the suggestion that the Special Permit Granting Authority (SPGA) partner with the Water Commissioner. The Selectman responded under legal advice that the SPGA belongs with the Planning Board. Jim Fay requested a motion to accept this responsibility. Mark Fermanian motioned, "We (The Planning Board) vote to assume authority of SPGA under current revisions of Bylaw". Geoff Tillotson 2<sup>nd</sup>. The Board voted unanimously to accept responsibility of the SPGA. As of the vote of the Bylaw revisions the Board of Health will no longer be SPGA. The Planning Board will contact Judi Barrett of RKG Associates to advise her of the change.



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2017 JAN -6 AM 11:15

Page 3 of 3 – Minutes, Ayer Planning Board Meeting December 1, 2016

**Legalized Marijuana** – The Town of Ayer needs to prepare and establish zoning for legalized marijuana. Discussion included: Should the product have limited sales places? Should it be available in established stores such as liquor stores, corner markets etc.. Will marijuana fall under the same State statutes with location of sales in relation to schools? How will it be classified, agriculture, under food and drug, should recreational and medical marijuana be sold together? The Board concluded that Federal, State and Town should all be in line. The Board will send a memo to the Board of Selectman requesting legal guidance in reference to their memo of November 16, 2016. The Planning memo included specific questions: Should there be a set number of permits? Should decisions defer until the state sets final laws and provides further guidance? Should safety guidelines classify where the product is sold?

**Planning Board Budget** – Geoff said he reached out for advice on the previous Planning budgets. He felt there was some confusion so will follow-up at the next meeting.

**MJTC** – Sue Kennedy reported on the meeting of MJTC which she attended. MJTC has initiated a reimbursement program for bike racks. TIP eligible projects can be moved up in priority. There are two in Ayer. There are grants available to develop prioritization plans for “Complete Streets”.

Jim Fay asked the Board if they would like to take advantage of the Senior Tax Program and have Pete McLaughlin create a database for the files in the Planning office? Mr. McLaughlin created a database for the Conservation Commission in the same office. He has databased the map cabinet and all of the Conservation files. The only concern was brought up by Geoff Tillotson about having a file plan that can be continued. Geoff Tillotson motioned to petition for the administrative support when it becomes available. Sue Kennedy 2<sup>nd</sup> and the Board voted unanimously to accept.

**Public Input** – There was none.

**The next meeting will convene at 6 pm, January 5, 2017**

**The Working Group Meeting January 12, 2017** for the Operations Manual & Sub-division information on the Town Website

**Meeting Adjournment**

7:15pm MF motioned to adjourn, GT 2<sup>nd</sup>, Board voted unanimously to adjourn.

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Minutes recorded and submitted by Sandy Bean, Administrative Coordinator

Planning Board Approval

1/5/17  
Date

Planning Board Chair (James M. Fay)



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