



PLANNING BOARD

Town of Ayer

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Approved – 10/23/2018

Minutes of September 27, 2018 - Ayer Planning Board Meeting

Location: First Floor meeting room, Ayer Town Hall

Meeting was recorded by APAC

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OCT 24 2018

TOWN OF AYER

TOWN CLERK

3:00pm *lf*

Members Present: Geof Tillotson, Vice-Chairman, Sue Kennedy, Clerk, Ken Diskin, Julie M. Murray

Also Present: Mark Archambault, Town Planner

Vice-Chairman Geof Tillotson called the meeting to order at 8:30 AM.

General Business

Approve the Agenda

At 8:30 AM Mr. Ken Diskin made a motion to approve the agenda as presented. Ms. Julie Murray seconded.

Discussion

Mr. Mark Archambault stated that he would like to add to the agenda a brief discussion regarding the Zoning Bylaw Amendments before the open meeting adjourns into executive session.

Ms. Sue Kennedy raised a question regarding the Planning Board Regulations stating that meeting will only be held on the second and fourth Tuesday of each month at 6:15PM and asked if the Board was allowed to hold a meeting outside that time.

Vice-Chairman Tillotson asked Town Manager, Robert Pontbriand to join the meeting and answer Ms. Kennedy's questions in regard to the meeting.

Mr. Pontbriand stated that even though the Planning Board Regulations state that Board meetings will be on a certain day and time, Massachusetts General Law allows all Boards and Committees to meet if the agenda is post within 48 hours. The agenda for this meeting was posted at least 48 hours before hand and is a legal meeting.

Vice-Chairman Tillotson stated that the meeting would proceed as posted.

Vote: There being no further discussion vote to approve the agenda as amended, 3-0-1, Ms. Sue Kennedy abstained.

Discussion, Lot Release, Lot 15 Trevor Trail, CJ Moore

Present: CJ Moore, Owner

Vice-Chairman Tillotson stated that the Board received a letter from the Department of Public Works Superintendent, Mark Wetzel. The letter reviewed the completed work and the cost of the work still needing to be completed and recommended that the lot be released as requested.

At 8:43 AM Ms. Julie Murray made a motion to approve the lot release for lot 15 Trevor Trail. Mr. Ken Diskin seconded.

Discussion:

Vice-Chairman Tillotson gave Mr. Moore a copy of the letter to review.

Mr. C.J. Moore read the letter from Mr. Mark Wetzel and stated that the lot to be released is not lot 15 but lot 11.

At 8:44 AM Ms. Julie Murray withdrew her motion. Mr. Ken Diskin seconded. Unanimous vote to approve. (4-0)

At 8:44 AM MS. Julie Murray made a motion to amend the agenda to state the lot release is for lot 11 Trevor Trail and motioned to approve the release of lot 11. Mr. Ken Diskin seconded. No discussion. Unanimous vote to approve. (4-0-0)

Discussion, Lot Release, Lot 9 Fletcher Pond Estates Calvin Street (27)

Vice-Chairman Tillotson stated that the Fletcher Pond Estates subdivision is part of Calvin Street and is an older subdivision approved back in the 1990's.

Mr. Archambault stated that this is an older covenant that the lots were never released and in order for the current owner to sell their house the lot release needs to be signed, there are no outstanding issues with the subdivision or the lot.

At 8:47 AM Mr. Ken Diskin made a motion to release lot 9 Fletcher Pond Estates otherwise known as 27 Calvin Street from the covenant. Ms. Sue Kennedy seconded. No discussion. Unanimous vote to approve. (4-0-0)

Review, Site Plan – 28 Harvard Road Global

Present: Thomas Gibbons, Attorney for owner, Jesse Johnson, Engineer Bohler Engineering, Timothy Letton, Traffic Engineer Greenman-Pedersen Inc. and David Avery, Dan Berry and Kevin Doyle all from Global

Town Planner, Mark Archambault gave a brief overview of everything the Board approved at the last meeting and the outstanding left turn lane condition. Mr. Archambault stated that there was a letter from Nitsch Engineering going over the details to the proposed bypass lane that will be put in place if needed.

Mr. Archambault went over the details that both Nitsch and GPI worked out for the conditions of the bypass lane as detailed in the letter from Nitsch dated September 26, 2018.

Mr. Letton went over the plans for the proposed bypass. Mr. Letton stated that the plan is for a bypass, not a left turn lane and will start 50 feet before the first entrance and 50 feet after the second entrance.

Mr. Diskin asked if there was enough room to add a bypass lane to keep the road within the right of way.

Mr. Letton stated that there was enough room for the bypass but there may be a need for a utility easement if a utility pole needs to be moved.

Mr. Archambault wanted to ensure that the Woodland Cemetery representatives have no concerns with having no parking sign in front of the cemetery on Harvard Road.

Mr. Robert Hebb stated that he was fine with having no parking signs in front of the cemetery.

At 9:10 AM Mr. Ken Diskin made a motion to approve the final Special Conditions for the Site Plan for 28 Harvard Road as amended. Ms. Julie Murray seconded. No discussion. Unanimous vote to approve. (4-0-0)

Town Planner Update

Mr. Mark Archambault handed out the public hearing notice that will be in Friday's paper for the Zoning Bylaw changes for Fall Town Meeting. Mr. Archambault stated the public hearing will be held on October 9, 2018 and the Board will be given the changes to review at the next meeting on September 25, 2018.

Administrative Items – New Business

Mr. Mark Archambault stated at the next meeting there will be a public hearing for the Zoning Bylaw Amendments proposed for town meeting.

Mr. Archambault gave the Board members a handout with all the proposed changes that will be discussed at the next meeting during the public hearing.

Vice-Chairman Tillotson had one comment on Section 2.B.3 to add the word compliant.

Mr. Archambault went over the changes to the Zoning Bylaw section by section which includes added items to the definitions and Sections 3.5, Section 6.3, Section 6.0, Section 9.1.5, Section 5.3.2, and Section 10.1.3.C. Mr. Archambault encouraged Board members to review the proposed changes for review at the public hearing on October 9, 2018.

Citizen Planner Workshops

Mr. Archambault informed the Board that the Citizen Planner Training Collaborative will be holding several different workshops throughout the state over the next few months. Mr. Archambault stated that any workshop the Board members want to attend, the cost will be reimbursed by the Town.

Executive Session

At 9:37 AM Vice-Chairman Tillotson stated that he would like to entertain a motion to go into executive session to discuss strategy with respect to litigation regarding Kevin P. Horgan, et al v. James M. Fay, et al, Middlesex Superior Court Docket No. 1881CV00919, because discussing the matter in open session may have a detrimental effect on the litigating position of the Board."

Ms. Sue Kennedy made a motion that the Board go into executive session to discuss strategy, with respect to litigation regarding Kevin P. Horgan, et al v. James M. Fay, et al, Middlesex Superior Court Docket No. 1881CV00919, because the Chair has declared that discussing the matter in open session may have a detrimental effect on the litigating position of the Board, with the Board adjourn at the conclusion of the Executive Session. Ms. Julie Murray seconded.

Roll Call Vote, J. Murray, Aye; S. Kennedy, Aye; K. Diskin, Aye; G. Tillotson, Aye

Mr. Ken Diskin recused himself from this portion of the meeting

The Planning Board entered into Executive Session.

Minutes recorded and submitted by Heather Hampson, Administrative Coordinator

Planning Board Approval 10-23-18
Date

Planning Board Clerk (Sue Kennedy)

Sue Kennedy