

**PLANNING BOARD Minutes**  
**December 3, 2009**  
**Ayer Town Hall**  
**1 Main Street**  
**Ayer, MA. 01432**

In attendance: Ms. Jennifer Gibbons, Acting Chair, Mr. Glenn Garber, & Mr. Steve Wentzell (Susan Sullivan/Office Mgr.).

7:00 PM General Business:

- Cont, ANR/Calvin Moore

Board heard back from Town Counsel stating their opinion that the Board could sign the ANR if the original lot would remain compliant with Zoning.

Glenn stated, in his opinion, the original “building” lot did not have the adequate rear setback of 30ft. Mr. Moore will take the plans back to the engineer and be sure to include the measurements required.

- Basswood Realty/Mark Saydah  
41 East Main Street.

Plans show two additional buildings to be situated on the lot as Condominiums. Property is zoned GR (art. 1V #7) Town housed /Multi family dwellings are allowable and permitted by right.

Comments: Alene Rich stated she would like to see the Gazebo on the property remain somewhere as it is historical to the town as well as trying to keep the units design similar to the old Taft house. Mr. Saydah stated he was considering preserving the gazebo and keeping the same design would not really be cost efficient in this market, but he would consider alternative ideas to keep the continuity between the buildings.

Jennifer stated if they submitted a Site Plan the Board could waive certain items to off set costs. Glenn suggested Town Counsel review to see if this “triggers” a Site Plan Review. Mr. Saydah was concerned with time lines for this.

Glenn Garber Motioned to have Susan Sullivan (Office Mgr.) request an opinion from Town Counsel if there is a requirement of a Site Plan Review per art. 12 to the proposed development of 41 East Main Street.

Steve Wentzell 2<sup>nd</sup> VOTE 3-0 All in Favor

- Kohler Place Plans (dismissal of appeal)

Steve Wentzell motioned (based on Town Counsel opinion) As soon as the board is notified of the Dismissal stipulation regarding: The litigation challenging approval of the Kohler Place subdivision, entitled Cowley, et al. v. Town of Ayer Planning Board, et al., Middlesex Superior Court Civil Action No. 2007-03714. Having been resolved by a dismissal of the complaint, I move that the Planning Board sign the definitive subdivision plan, subject to the conditions contained in the Board’s September 11, 2007 vote of approval.

Glenn Garber 2<sup>nd</sup> VOTE 3-0 All in Favor

Glenn Garber Motioned to Adjourn

Steve Wentzell 2<sup>nd</sup> VOTE 3-0 All in Favor

Adjourn 8:38 pm