



## PLANNING BOARD MINUTES

February 3, 2011  
Ayer Town Hall  
1 Main Street  
Ayer, MA. 01432

In attendance: Mr. Peter Johnston, Mr. Mark Fermanian, & Mr. Steve Wentzell  
(Susan Sullivan/Office Manager)

### 7:00 PM

Steve Wentzell opened the Planning Board meeting and went into a recess due to members running late for the meeting.

### 7:10 PM

#### Continued Public Hearing: Emily's Way

Definitive Subdivision off Groton Harvard Rd.

Steve Mullaney (Eng.), & Atty. Sherril Gould (Emily's Way)

Three items remained after the last meeting;

First one being the trees along Groton Harvard Rd. adjacent to the McGillicuddy property. The Tree Warden, Mr. Mullaney, Mr. Johnston, Mr. Wentzell, and Mr. McGillicuddy met on January 17th, 2011. The agreement made was the trees in question shall be removed and as a gesture of good will, applicant will agree to plant 10 arborvitae trees 15' from the right of way line on Groton Harvard Rd.. The tree warden will have the trees removed and all lumber, although, Mr. McGillicuddy shall receive 8' trunks of each of the trees removed.

Secondly, was the pavement width and sidewalk (single side). Both Police and Fire were contacted and neither had any issues.

Thirdly was the planting strip. The Planning Board has no issue with the sidewalk being adjacent to the road.

Mark Fermanian read Mr. Fred Hamwey's email into the record :

----- Original Message -----

**From:** Fred Hamwey

**To:** 'Ayer Planning'

**Sent:** Tuesday, February 01, 2011 11:12 AM

**Subject:** Emily's Way

Sue,

I have reviewed the Draft Decision prepared by Steve Mullaney. The Decision addresses all the comments in our December 17, 2010 review letter, as discussed and agreed upon at the January 6, 2011 public hearing.

**Fred Hamwey**  
**Hamwey Engineering, Inc.**  
**30 William Street**  
**Leominster, MA 01453**  
**978-840-2964**

Mr. Hynes (abutter) stated he would like the Planning Board to consider the wishes of he and a few neighbors and to vote no on this subdivision.

Steve Wentzell stated that there are only three remaining members on the board and wants the proponent to understand he needs all three votes for this to be approved. Mr. Field stated he wanted to move forward and understands.

Mark Fermanian motioned to close the Public Hearing for the proposed Emily's Way Definitive Subdivision.

Peter Johnston 2<sup>nd</sup> VOTE 3-0 All in Favor

Peter Johnston Motioned to approve the (7) conditions for proposed Emily's Way Subdivision as follows:

1. The proponent agrees to plant ten arborvitae, six feet high, at six feet on center on the property of Dennis J. and Linda A. McGillicuddy, 15 feet westerly of the Groton-Harvard Road right-of-way line, as depicted on "Site Plan Depicting Locations of Property Line Stakes in Ayer, Mass. at #40 Groton-Harvard Road, Prepared for The MEMS Realty Trust," issued January 17, 2011 and revised January 17, 2011, being plan no. 113-A-2, prepared by S. J. Mullaney Engineering, Inc. The revised definitive subdivision plan submitted to the Planning Board prior to plan endorsement shall depict these planned plantings.
2. The revised definitive subdivision plan submitted to the Planning Board prior to plan endorsement shall include an inset detail on sheet 3 clarifying the proposed water main connection on High Street at Winthrop Avenue utilizing a tee with two gates.
3. Lot 6 shall benefit from the "Proposed Slope, Access and Utility Easement" on Lot 5 for the purpose of its water service connection.
4. Deeds for each lot containing or benefiting from easements shall note the presence and purpose of such easements.
5. The revised definitive subdivision plan submitted to the Planning Board prior to plan endorsement shall include adjustments to the "Drain Manhole Detail" on sheet 9 as follows:
  - a. The 30" diameter opening, cover and frame shall be reduced to 24".
  - b. The LeBaron cover and frame model number shall be changed from "LA 326-4" to "LK-110."
6. The revised definitive subdivision plan submitted to the Planning Board prior to plan endorsement shall include the "Gravel Access Way" detail that appears in the proponent's December 29, 2010 letter to the Planning Board.
7. The revised definitive subdivision plan submitted to the Planning Board prior to plan endorsement shall include additional labeling identifying proposed one foot horizontal to one foot vertical slopes.

Mark Fermanian 2<sup>nd</sup> VOTE 3-0 All in Favor

Peter Johnston Motioned to approve the two waivers for Emily's Way definitive Subdivision which includes:

1. To allow a 50-ft. right-of-way roadway (minor street) to have a minimum roadway width of 24-ft. (rather than 36-ft.) and to have a sidewalk on one side of the roadway and encircling the entire cul-de-sac (rather than on both sides of the roadway).

2. To allow the substitution of high-density polyethylene (HDPE) pipe for reinforced concrete pipe (RCP) with a minimum cover of 2-ft., with the concurrence of the Superintendent of Public Works.

Mark Fermanian 2<sup>nd</sup> VOTE 3-0 All in Favor

Mark Fermanian Motioned to approve the Definitive Subdivision Plan for Emily's Way Revised 6/16/10 & 10/27/10.

Peter Johnston 2<sup>nd</sup> VOTE 3-0 All in Favor

- ANR/Ridge View Heights (parcels H-1 & H-2)

Lots adjacent to the "gifted" parcel for Town Soccer Fields per the settlement agreement. EPA records were never changed from 2007 (clerical) mitigation plan to donate to Concom via BOS etc. H-1 zoned Light Industrial has 100' of frontage. Parcel 2 (H-2) will be donated but is not a buildable lot and will state that on the plan.

Mark Fermanian motioned to approve the ANR for parcels H-1 & H-2 situated on the easterly side of Snake Hill Rd. and shown on plan L-11545 dated January 24, 2010 by Ross Assoc. for Ridge View Heights.

Peter Johnston 2<sup>nd</sup> VOTE 3-0 All in Favor

- ANR/Ridge View Heights (parcel A-2 & Lots Y & Z)

Peter Johnston Motioned to approve the ANR for parcel A-2 & Lots Y & Z situated on the northerly side of Littleton Rd. and shown on plan L-11546 dated January 24, 2010 by Ross Assoc. for Ridge View Heights.

Mark Fermanian 2<sup>nd</sup> VOTE 3-0 All in Favor

Bills:

Peter Johnston Motioned to authorize payment for the legal ad for Calco LLC in the amount of \$90.40

Mark Fermanian 2<sup>nd</sup> VOTE 3-0 All in Favor

Peter Johnston Motioned to authorize payment form the consultant by-law acct. for Eagles Nest Estates driveway agreement in the amount of \$ 300.00

Mark Fermanian 2<sup>nd</sup> VOTE 3-0 All in Favor

Peter Johnston Motioned to authorize payment to W.B. Mason for supplies in the amount of \$47.00.

Mark Fermanian 2<sup>nd</sup> VOTE 3-0 All in Favor

Peter Johnston Motioned to authorize payment out of the Emily's Way Consultant By-law account for Hamwey Engineering in the amount of \$1,390.00

Mark Fermanian 2<sup>nd</sup> VOTE 3-0 All in Favor

Peter Johnston Motioned to authorize payment out of the Emily's Way Consultant By-law account for Hamwey Engineering in the amount of \$2,950.00

Mark Fermanian 2<sup>nd</sup> VOTE 3-0 All in Favor

Peter Johnston Motioned to authorize the BOS to pay Miyares & Harrington for former Chair's utilization of Town Counsel.

Mark Fermanian 2<sup>nd</sup> VOTE 3-0 All in Favor

Public Input:

Mr. Bodurtha Has questions regarding the release of gifted lots in Ridge View Heights and the status. It was explained to him by the board that a couple of lots that were gifted to the town were rejected by Town Meeting the board will inquire additional information from Mullaney Engineering.

Minutes:

Mark Fermanian motioned to approve the minutes for January 6, 2011 as written.

Peter Johnston 2<sup>nd</sup> VOTE 3-0 All in Favor

Mark Fermanian motioned to approve the minutes for January 20, 2011 as written.

Peter Johnston 2<sup>nd</sup> VOTE 3-0 All in Favor

Budget:

Steve Wentzell informed the board of his meeting with the Finance Committee regarding the 5 % and 3% reductions requested. The board fears that going forward there is only barely enough left in the budget for wages.

Peter Johnston motioned to adjourn

Mark Fermanian 2<sup>nd</sup> VOTE 3-0 All in Favor

Adjourn 8:50 PM