



PLANNING BOARD
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PLANNING BOARD MINUTES

July 8, 2010
Ayer Town Hall
1 Main Street
Ayer, MA. 01432

In attendance: Ms. Jennifer Gibbons (Chair), Mr. Steve Wentzell (Clerk), Mr. Glenn Garber (V. Chair), Mr. Peter Johnston & Mr. Mark Fermanian
Susan Sullivan/Office Manager

General Business:

7:00 PM Jennifer Gibbons-Chair called the meeting to order.

- David Maher/Economic Development
Re: CDBG Grant. Spoke briefly about the program and is looking for the Planning Board's input in a survey. He will be back next month to discuss further.

7:20 PM Public Hearing/Emily's Way/Definitive subdivision (14 lots)

Chair stated that DWP Superintendent Dan Nason asked that the meeting possibly be postponed until the engineer has a chance to make recommendations. Chair read the Scope of services from DPW recommended Hamwey Engineering (see below)

Scope of service... (Dated July 2, 2010)

1. Perform a site inspection.
2. Review the design plans for conformance with the Town of Ayer Subdivision Regulations.
3. Review drainage design and calculations.
4. Prepare a draft review report for submission to the design engineer.
5. Prepare a review report for submission to the Planning Board.
6. Meet with the following town departments as required:
 - a. Planning Board
 - b. DPW
 - c. Conservation
 - d. Fire
 - e. Police
7. Meetings with applicant and design engineer.
8. Meeting with Planning Board at Public Hearings.
9. Obtain the services of other specific consultants as required if the technical issue(s) are beyond the expertise of Hamwey Engineering, Inc.

Fees: Items 1-5 \$3500 Items 6-8 \$125/hour Additional fees will be required for Item 9 and for the review of additional information and/or revised plans and documents.

Chair read the recommendation memo from DPW Superintendent for engineering review into the record:

Date: June 30, 2010

To: Ayer Planning Board

Jennifer Gibbons, Chairperson

Copy: Jeff Ritter, Interim Town Administrator

Fred Hamwey, Hamwey Engineering, Inc.

From: Daniel Nason, Public Works Superintendent

Subject: Independent Consultant Recommendation

Emily's Way Definitive Subdivision

I recommend the Planning Board contract with Mr. Fred Hamwey, Jr., President of Hamwey Engineering, Inc., Leominster, Massachusetts to serve as the consultant, acting on behalf of the Town of Ayer, to review the definitive subdivision entitled "Emily's Way". Mr. Hamwey has already been contacted by me. He will be forwarding a proposal direct to the Board for his services. The peer review shall include, but not be limited to, compliance with Ayer's Subdivision Control and Zoning Regulations, general engineering practices, stormwater (NPDES) requirements and general safety standards.

The Department of Public Works also strongly recommends the Planning Board postpone the next regularly scheduled Public Hearing (July 8, 2010) for the above-referenced project until such time that the Board votes to hire the consultant. This will allow Hamwey Engineering the opportunity to be present at all the meetings relative to the project and is therefore privy to any dialogue between the proponent and the Town.

Public Input:

Mr. P. Hughes stated that he would like to see the Public Hearing continue this evening.

Mr. Nehring does not want to see the Public Hearing Stalled at this point.

Chair agreed that Public Hearing can continue this evening and

Opened the Public Hearing:

In attendance: Sheryl Gould (Atty. for proponents)

Stephen J. Mullaney (Engineer for project)

Matthew Field (Applicant/Trustee)

Steve Wentzell read the legal ad into the record:

The Ayer Planning Board will be conducting a Public Hearing on Thursday, July 8, 2010 at 7:00 p.m. at the Town Hall, 1st Floor Meeting Room, 1 Main St., Ayer, MA, pursuant to MGL Chapter 41, to consider granting approval for the Definitive Plan entitled Emily's Way subdivision, consisting of 14 lots. The property is situated easterly of the ends of High St. and Webster Ave., and westerly of and including #38 Groton-Harvard Rd., Ayer, MA. Copies of the application may be inspected in the Town Clerk's office M-F during normal business hours. Property: Assessors Map 27, Parcels 70 and 189. (6/18/10 & 6/25/10)

Steve Mullaney presented the plans and stated that the applicants are the Fields and explained that the Lucchesi family is not the applicant they are simply selling their home to the developer. He went on to state that on June 29, 2010; Planning Board Office Manager Susan Sullivan related comments received to date from the Board of Health, the Police Department and the Fire Department. On July 6, 2010, Ms. Sullivan faxed the comments of Superintendent of Public Works Daniel F. Nason. In advance of the July 8, 2010 public hearing, we outline below how we are addressing the comments that necessitate responses. Note that we intend to issue a single revised plan after the Board concurs that all input has been received and addressed.

Fire Department

The Fire Department expressed concern with emergency vehicle access to lots 12, 13 and 14 indicated on the proposed Webster Avenue cul-de-sac given that Webster Avenue serves as the main entrance to Nashoba Park Assisted Living and that the traveled way width of Webster Avenue narrows from 24 ft. at the proposed cul-de-sac to 20 ft. within the existing way to 15 ft. at the Nashoba Park entrance circle.

Sheet 2 of Definitive Subdivision Site Plan 113-D-2 references the Webster Avenue right-of-way recorded in Middlesex Southern District Registry of Deeds Book 22834 – Page 511. That deed by Edward A. Richardson, dated January 15, 1993, reserved over Webster Avenue a right of way for the benefit of the land of which lots 12, 13 and 14 are part “... to pass and repass on foot or with vehicles and otherwise to utilize the way comprised by said Webster Avenue for all purposes for which ways are customarily used in the Town of Ayer, and to the full extent authorized by laws, bylaws, rules and regulations in force in the Town of Ayer.”

On November 4, 2004, the Ayer Planning Board endorsed a site plan entitled, “Ayer Assisted Living Facility,” dated May 30, 2003 and revised through November 5, 2004, by Meridian Associates, Inc. That plan authorized the construction of what is now known as the 73-unit Nashoba Park. The site plan approval expressly authorized the imposition of a physical barrier within Webster Avenue that impedes the ability of the subject applicant to exercise full and unencumbered use of the right of way reserved in 1993. An excerpt from the site plan appears on page 2 of this letter. The approved plan instructs the construction of the following physical impediments within Webster Avenue: 6 ft. wooden barrier fence, 3 ft. stone wall topped with boulders, curbing and light poles. The plan also specifically narrows the traveled way width to 16 ft. from the Nashoba Park entrance circle to the end of Webster Avenue, alongside the building addition included in the plan.

On May 4, 2006, the Planning Board endorsed a plan for which approval under the Subdivision Control Law is not required (ANR plan) that divided into two lots (108A and 108B) a parcel of land fronting on Webster Avenue opposite Nashoba Park and owned by Daniel M. and Cynthia D. Noonan. The plan is recorded at the Registry of Deeds as Plan No. 655 of 2006. Included are alterations within Webster Avenue authorized by the Nashoba Park site plan approval. In a March 24, 1999 letter to the Planning Board, excerpt enclosed, Town Counsel Jeanne S. McKnight of Kopelman and Paige, P.C., offered an opinion, at the Board’s request, regarding whether the Board can require an applicant for subdivision approval to make improvements to a way that will be used for access to a subdivision. She stated: “... the Town cannot compel a private party ... by making such improvements a condition of subdivision approval. A planning board is authorized under G.L. c.41, §§81M and 81Q to require a developer, through its regulations, to address deficiencies in adjacent ... ways. ... A planning board may not, however, disapprove a plan which does not violate the Board’s regulations. ... Therefore, a planning board may not disapprove a subdivision plan because of the failure of the owner to improve adjacent ways where there is not subdivision regulation that authorizes such a condition. The subdivision control regulations for the Town of Ayer contain no such provision. The regulations contain numerous provisions addressing the adequacy of roads inside the subdivision, but none that address the roads outside the subdivision. ...”

Nevertheless, the applicant is amenable to relocating the stone and boulder walls and vinyl fence to the Simmons frontage should the Planning Board decide to alter its November 4, 2004 directive that led to impediments’ current positions.

DPW

... typical ... process for this type/size subdivision ... progress from conceptual design, through ... Preliminary Subdivision ... and conclude at ... Definitive Subdivision ... I am always cautious of a

project ... where the process is fast-tracked by skipping normal progressive steps as well as one that does not allow adequate review time ... would have been nice to ... comment on a Preliminary ... to work out some of the details/issues ...

M.G.L. c. 41 §81S states:

“In the case of a subdivision showing lots in a residential zone, any person, before submitting his definitive plan for approval, may (emphasis supplied) submit to the planning board ... a preliminary plan ... In the case of a nonresidential subdivision, any person before submitting his definitive plan for approval shall (emphasis supplied) submit to the planning board ... a preliminary plan ...”

Whereas the subject application entails land zoned residential in its entirety, submittal of a preliminary plan is optional. As stated in the June 16, 2010 submittal cover letter, the definitive plan evolved from a preliminary plan entitled “Benjamin Estates” processed in spring 1999. The definitive plan addresses details and issues identified during that process and during subsequent conceptual reviews over the ensuing years. During the Planning Board’s April 1, 2010 discussion of this project, the applicant indicated its intention to proceed directly with a definitive plan. Chairman Peter Johnston queried whether the applicant would be returning to the Board’s monthly meeting in May with the definitive plan. The applicant responded negatively as more time would be needed to prepare the plans and appurtenant submittal documents.
... strongly recommend a complete peer review ... for compliance with all general engineering practices, the Ayer Subdivision Control Regulations, the Town of Ayer Water Use Regulations and Sewer Use Ordinance, Federal NPDES requirements, etc.

The applicant is amenable to peer review. The applicant respectfully requests that the Planning Board furnish the peer reviewer with copies of all comments from town boards and departments received to date as well as this document. The applicant further asks that the Planning Board instruct the reviewer to not repeat comments already made unless the reviewer has an opinion different from those already received by the Board.

Massachusetts case law states that subdivision regulations must be “comprehensive, reasonably definite, and carefully drafted, so that owners may know in advance what is or may be required of them.” [Castle Estates v. Park & Planning Bd. of Medfield, 344 Mass. 329, 334 (1962)]. Neither the Ayer Subdivision Control Regulations, nor the Town of Ayer Water Use Regulations and Sewer Use Ordinance, nor Federal NPDES requirements stipulate “all general engineering practices.” The applicant respectfully requests that the Planning Board identify where these comprehensive, reasonably definite practices are spelled out such that the applicant would have known in advance of making application the certain specific practices for which compliance would be required.

DPW - General

3. *... recommend incorporating a phasing plan for home construction.*

Ayer Zoning Bylaw §11.5, Rate of Development, effectively phases the subdivision into three year-long phases since it limits the applicant to at most five building permits per year.

4. *... excess material onsite. Will it be hauled offsite daily? All exposed areas ... are to be stabilized daily.*

The applicant estimates excess material will total +25,000 cubic yards. This will necessitate offsite hauling each day excavation activities are undertaken. Preliminary Site Work Note 4.04 on sheet 6 of Plan 113-D-2 states, “No soil or loam shall leave the site except in accordance with the Town of Ayer General Bylaws – Article XVIII –

Removal of Earth.” For comparison, the excess material of this project is equivalent to ± 10 percent of the amount of material the Pingry Hill subdivision has been authorized to remove under its Earth Removal Permit issued by the Board of Selectmen. General Construction Note 2.05 on sheet 6 of Plan 113-D-2 states, “All site work shall be stabilized at the end of the work day or prior to anticipated conditions which could cause erosion or air-borne sediment problems (i.e., rain, high winds, exposed surfaces or steep slopes).”

5. *... ledge removal. Will this be performed by blasting or hammering? Either method will require a pre-blast survey.*

Blasting is anticipated. Note 3.08 on sheet 7 of Plan 113-D-2 states, “The Ayer Fire Chief shall be notified of all proposed blasting. All blasting shall be performed by a licensed blaster in accordance with Commonwealth of Massachusetts and Town of Ayer Regulations.”

6. *A full geotechnical report ... shall be submitted as part of this definitive package.*

Neither the Ayer Subdivision Control Regulations, nor the Town of Ayer Water Use Regulations and Sewer Use Ordinance, nor Federal NPDES requirements stipulate “a full geotechnical report.” The applicant respectfully requests that the Planning Board identify where the comprehensive, reasonably definite parameters for a full geotechnical report are spelled out such that the applicant would have known in advance of making application the certain specific items for which submittal would be required.

7. *The Town of Ayer will not accept ownership or responsibility for maintaining the stormwater treatment structures (water quality structures and/or attenuation facilities). A Home Owners Association shall be established with adequate funding to maintain these devices in perpetuity.*

Note 2.08 on sheet 7 of Plan 113-D-2 states

“The developer shall form a homeowners’ association to assume responsibility for operation and maintenance in perpetuity of the stormwater detention basins. The association’s documents shall restate the text of the Drainage System Operations & Maintenance Plan as it appears herein. The documents shall also require that the association furnish an annual report of its inspection and maintenance to the Ayer Department of Public Works. Prior to the issuance of any final occupancy permit, the developer shall submit to the Planning Board for review and approval all homeowner association documents.”

8. *... A fund shall be established to guaranty the roadways will be maintained adequately (same level of service or better than the Town)*

Why a private property owner should be held to a higher standard than the Town is unclear.

9. *The Town will not accept the proposed Webster Avenue Extension cul-de-sac ... nor is it wide enough for the safe passage of emergency and municipal vehicles.*

The applicant does not intend to seek municipal acceptance of Webster Avenue Extension as a public way. See response to Fire Department concerns hereinbefore regarding the existing traveled way width.

10. *Is there adequate site distance (along Groton-Harvard Road)? Is a traffic study being proposed?*

§IV.A.1.h. of the Ayer Subdivision Regulations states, "Acceptable sight distance requirements based on published traffic engineering standards shall apply at all intersections. Refer to examples provided: Standard drawing No. 1 and No. 2, page 23." Standard Drawing No. 2, Recommended Street Connection, Sight Distance for Stop Condition, applies to the subject circumstance. It is analogous to Exhibit 9-50B in "A Policy on Geometric Design of Highways and Streets," American Association of State Highway and Transportation Officials (AASHTO), 2001. Standard Drawing No. 2 requires a sight triangle with a 10 ft. leg measured along a new road and a 70 ft. leg measured along the main road to which the new road connects, resulting in a hypotenuse of 70.7 ft. Sheets 3, 5, 10 and 11 of Plan 113-D-2 each report that sight distances viewed from High Street Extension, six feet west of the Groton-Harvard Road pavement, measure 443 ft. looking south (right) and 250 ft. looking north (left). Exhibit 9-55 in the AASHTO Policy indicates that 250 ft. is sufficient intersection sight distance for a stopped passenger car to turn left or right onto a two-lane highway with grades 3 percent or less and design speed of 35 mph.

Traffic analysis criteria are specified in Article 10., Site Plan Review, §10.4 I. of the Ayer Zoning Bylaw. However, §10.4 authorizes the Planning Board to waive any of the Site Plan Review requirements as the Board deems appropriate in particular cases. During its April 1, 2010 meeting, upon the recommendation of Member Glenn Garber, the Planning Board determined that the provision of sight distance measurements would suffice.

Nevertheless, the applicant provides the following comparative data for the Board's information: : During the peak weekday morning commute hour on Groton-Harvard Road, two vehicles can be expected to enter High Street Extension and six can be expected to leave High Street Extension. In other words, on average, one vehicle can be expected to leave Groton-Harvard Road and enter High Street Extension every 30 minutes, and, on average, one vehicle can be expected to leave High Street Extension and enter Groton-Harvard Road every ten minutes.

Similarly, during the peak evening commute hour on Groton-Harvard Road, seven vehicles can be expected to enter High Street Extension and four vehicles can be expected to leave High Street Extension. In other words, on average, one vehicle can be expected to leave Groton-Harvard Road and enter High Street Extension every eight minutes, and, on average, one vehicle can be expected to leave High Street Extension and enter Groton-Harvard Road every 15 minutes.

DPW – Water

1. *Provide a tee with 2-gates at the proposed water main connection on High Street.*

The revised plan will depict this in lieu of the tapping sleeve and valve presently shown.

2. *The proposed water main shall be connected with a triple-gate to the 12" AC water main along Groton-Harvard Road.*

The revised plan will show this connection in place of the triple-gate connection to the existing 8" water main currently indicated.

3. *Hydrant flow tests are required; at High Street and along Groton-Harvard Road.*

Ayer Water Department Assistant Foreman Paul Curtin conducted hydrant flow tests on June 30, 2010. The results are attached to this letter. According to the Insurance Service Organization (ISO), the required fire flow for one- and two-family dwellings not exceeding two stories in height, with 31 to 100 ft. between buildings, is 750 gpm at 20 psi.

Each subdivision lot will contain a single-family dwelling unit at most two stories in height. As depicted on Plan 113-D-2, a minimum of 34 ft. separates each building. The 9,011 gpm available at the existing hydrant at 31 Groton-Harvard Road and the 934 gpm available at the existing hydrant at 6 Winthrop St. comply with ISO recommendations.

4. *Hydrants shall be Kennedy brand, model K81 as approved by the Water Division.*

The hydrant detail provided on sheet 8 of Plan 113-D-2 is the same as that appearing on other definitive plans prepared by this office and processed by the Planning Board in recent years, including: Elizabeth Estates, endorsed in 2007; Easy Street, endorsed in 2006; and Ridge View Heights, endorsed in 2004. We are unaware of any changes in the Ayer Subdivision Control Regulations or the Town of Ayer Water Use Regulations in recent years relative to hydrant specification. Nevertheless, the applicant is agreeable to identifying the specified brand and model on the hydrant detail.

5. *Proposed water system shall meet all the requirements of the Ayer Water Regulations and AWWA Standards. The main shall be pressure tested and disinfected in accordance with all applicable Town and AWWA standards.*

Note 3.01 on sheet 7 of Plan 113-D-2 requires all work, materials and appurtenances to be in accordance with Town of Ayer requirements. Note 5.08 on sheet 8 of Plan 113-D-2 requires water services to be installed in accordance with the requirement of the Ayer Department of Public Works. Ayer Water Use Rules and Regulations, §6, Installation of Water Service Connections and Ductile Iron Water Pipes, § Field Testing stipulates pressure testing. § Disinfection and Flushing, requires chlorination in accordance with AWWA specifications.

6. *As-built information shall include ties to all the water corporations and curb stops.*

Ayer Water Use Rules and Regulations, §5, Paragraph 10, states, "After completion of the subdivision ... the developer or owner will furnish a completed ... "as-built" map ... The map shall contain ... water layouts with a description of the services to each building, curb stops, main gates and hydrant gates, using buildings or other marks as reference points. ..."

7. *Individual, 1" copper service lines for Lots 12, 13 & 14 extending through the utility easement will not be allowed.*

Why individual 1" copper service lines as proposed for lots 12, 13 and 14 will not be allowed is unclear. The applicant respectfully requests that the Planning Board identify where the comprehensive, reasonably definite preferred parameters for servicing lots 12, 13 and 14 are spelled out such that the applicant would have known in advance of making application what would be required.

DPW – Wastewater

1. *Construction of the sewer mains and laterals shall meet all the requirements of the most current Sewer Use Ordinances (SUO);*

Note 3.01 on sheet 7 of Plan 113-D-2 requires all work, materials and appurtenances to be in accordance with Town of Ayer requirements. Note 5.08 on sheet 8 of Plan 113-D-2 requires sewer services to be installed in accordance with the requirement of the Ayer Department of Public Works. Notes 6.02.01 through 6.02.04 on sheet 8 describe the Town standards for sewer main testing. Notes 6.03.01 through 6.03.03 on sheet 8 describe the Town standards for sewer manhole vacuum testing.

2. *The DPW requests the use of ductile iron, hinged manholes covers as a pilot project. Locally, these are available through EJ Prescott.*

The applicant is open to considering the requested substitution provided that the Planning Board demonstrates to the applicant that the substitute will be no costlier than the cover specified in the Sewer Manhole Detail on sheet 8 of Plan 113-D-2, and provided that the Board furnish the applicant with a construction detail of the substitute for use in revising the Sewer Manhole Detail.

3. *Show the velocity calculations for the sewer main.*

§6.2, Sewer Line Construction, of the Department of Environmental Protection's Technical Guidance for Review of Sewer Connection/Extension Permit Applications, Third Draft, February 1992, provides parameters for sewer main design. §6.2 (a) states that all sewers should be designed with a minimum slope of 0.004 ft./ft. for 8-in. pipe to give a velocity when flowing full of not less than 2.0 feet per second (fps) based on Manning's formula using an "n" value of 0.013 constant with depth. §6.2 (b) establishes a maximum slope of 0.10 ft./ft./ without the use of energy dissipation controls at the inlet of each structure affected. §6.2 (f) sets a maximum velocity of 12 fps.

All of the velocities fall within the acceptable range.

4. *As-built information shall include ties to all the sewer lateral connections to the main as well as the cleanouts.*

Ayer Regulation of Sewer Use, Article II, §14, states, "After completion ... the developer or owner will furnish a completed ... "as-built" map ... The plan shall contain ... sewer layouts ... and a description of the services to each building, showing the depth of all connections, using buildings or other marks as reference points. ..."

5. *The propose sewer connection at the existing manhole in Groton-Harvard Road will not be allowed. The connection angle shall be such that the new flow introduced in the manhole will not oppose the existing direction of flow in that manhole. The DPW does not support the location of the proposed sewer main to be under the emergency spillway of detention basin 238, it should stay within the limits of the proposed ROW, when possible.*

The applicant proposes to make the following adjustments to the revised plan:

- Relocation of SMH 0+75, 5' RT to SMH 0+65, 5' RT, with rim elevation = 236.44, invert in elevation = 231.77 and invert out elevation unchanged at 231.22.
- Addition of SMH 0+00.8, 51.9' RT, with rim elevation = 234.9 and invert elevation = 230.68.
- Connection of SMH 0+65, 5' RT to SMH 0+00.8, 51.9' RT with 101 ft. of 8" PVC SDR 35 pipe at slope = 0.0053 '/,.
- Right angle connection of SMH 0.00.8, 51.9' RT to existing SMH 0-32.1, 50.7' RT with 8 ft. of 8" PVC SDR 35 pipe at slope = 0.005 '/,.

Shallow existing drain (3 ft. depth) and sewer (4 ft. depth) lines and deep existing water (8 ft. depth) and gas lines (5 ft. depth) in Groton-Harvard Road in the vicinity of 38 Groton-Harvard Road preclude connection to the existing sewer main while containing the proposed sewer main within the limits of the proposed right-of-way. Locating 11 ft. of the sewer main beneath the spillway of Stormwater Basin 238 does not impede its accessibility. It is less precarious than the cross-country sewer main that crosses under a wetland ditch on Lot 3 of Elizabeth Estates subdivision to serve lots 1 and 2 or the

directional drilling under the Boston & Maine Railroad on Snake Hill Road to service the Pingry Hill subdivision.

6. *The slopes in the vicinity of Lots 7, 8, 13 and 14 do not allow for accessibility of the sewer manholes and associated pipe by municipal equipment.*

The applicant respectfully requests that the Planning Board identify where the comprehensive, reasonably definite maximum slope for municipal equipment accessibility is spelled out such that the applicant would have known in advance of making application what would be required.

DPW – Drainage

1. *Full access (for inspection and maintenance) around the entire detention basin is required on all the stormwater treatment structures.*

Each of the five proposed stormwater basins abuts the traveled way of the proposed High Street Extension, thereby providing ready vehicular access to each basin. An easement contains the entirety of each basin, thereby ensuring foot access throughout. This arrangement is consistent with that provided in the aforementioned subdivisions approved by the Planning Board in recent years.

2. *Show all catch basin grate inlet capacity calculations. Is there a need for cascade grades due to the roadway slope? How much bypass flow discharges onto Groton-Harvard Road?*

Catch basin grate inlet capacity calculations will be provided under separate cover. The applicant respectfully requests that the Planning Board identify the preferred methodology for presenting the calculations.

A peak bypass flow of 23.75 cubic feet per second (cfs) is calculated to discharge onto Groton-Harvard Road during a 25-year storm under existing conditions. A peak bypass flow of 23.58 cfs is calculated to discharge onto Groton-Harvard Road during a 25-year storm under proposed conditions, a reduction of 0.17 cfs.

3. *Is there any pretreatment prior to discharging to the attenuation facilities?*

As stated on page 2 of the Drainage Report, pretreatment consists of deep sump catch basins with hoods.

Mark Fermanian asked if the consultant by-law were utilized, would this be amiable to the proponent.

Steve Mullaney stated that they have no problem with consultant Engineers; Hamwey Engineering. He went on to state that the dead end street was up to the Planning Board. Glenn Garber stated that regarding past projects and case laws became a concern, Town Counsel would be utilized.

Public Input:

Patrick Hughes/Groton Harvard Rd. suggested Town Counsel input on issues pertaining to drainage and the retaining wall.

Mark Fermanian stated the drainage must work before the Board would approve and it's hard to imagine drainage worse than it is now.

Scott Simmons /Webster Ave. is willing to work with the developer and hopes to have some input as to how the property is addressed.

Jamie Rome/Hudlin family Engineer would like to be kept "in the loop" as far as drainage reports etc.

Tom Beerbom/CEO V.O.A. "voice for the elderly" would like the Planning Board to consider the impact on their facility. (losing handicap access ramp and 7 parking spaces)
 Janet Provadakis/High St. asked about the slope?
 Steve Mullaney answered the proposed slope is not as steep as existing slope on High St.
 Laurie Nehring/High St. has concerns that there is not enough time for review of a project this size. Traffic is an issue due to train and school release times. Driveways look very steep. Blasting is also a concern.
 Dinnis McGillicuddy/Groton Harvard Rd. has issues with water usage and drainage. Concerned that he will not have the woods behind his home that he enjoys now and noise. He stated he thinks the Gate is a waste of money.
 Laurie Sable/Winthrop & Webster Ave. Traffic will be an issue for elderly and children in area once the traffic is increased.
 Norman Akeria/Groton Harvard Rd. Water run off is a big concern and trees falling.
 Danny Lawless/Brillianna Ct. Water pressure in hydrants is almost nonexistent now. PB lets builders get away with taxing the water supply and pressure.
 Jannelle Flarity/High St. is concerned with snow removal and parking.
 Patrick Hughes asked if PB would be conducting a site walk soon.
 Chair answered that they would be setting up a site walk date with the engineer at the next public hearing.
 Mike Paddington stated he hoped the engineer is aware of the limitations.
 George Hines/Groton Harvard Rd. Concerned with the drainage issues.
 Dan Nason/DPW asked that the property be staked for the site walk.
 Steve Mullaney stated yes, and that abutters, if planning on attending, sign a waiver first.
 Chair asked board to continue to the August 5th meeting date. Glenn stated he may have a conflict. Dan Nason hopes Engineer has enough time to review.
 Mark Fermanian motioned to continue to August 12, 2010.

Peter Johnston 2nd VOTE 5-0 All in Favor

9:32 PM Public Hearing By-law amendment-Flood Plain

(MGL 40A s. 5) Chair explained process re; BOS meeting adopting this by-law. The status of eligibility is intact. 21 homes fell into this area. Public can access this information on-line.

Peter Johnston motioned to adopt this amendment into the flood plain by-law.

Steve Wentzell 2nd VOTE 5-0 All in Favor

- Zoning By-law update. Chair informed the board she spoke to Judi Barrett (consultant) and sent her the mark up sheet. Jennifer also spoke to the Building Inspector regarding his concerns with the sign requirements for the town. Suggesting perhaps a separate permit for signs.

- Bills:

Steve Wentzell motioned to authorize payment to the Lowell Sun for the legal ad/Emily's Way in the amount of \$102.00

Mark Fermanian 2nd VOTE 5—0 All in Favor

Steve Wentzell motioned to authorize payment to the Lowell Sun for the legal ad/Flood Plain in the amount of \$238.70 (PB account)

Mark Fermanian 2nd VOTE 5—0 All in Favor

Peter Johnston updated the board on meetings at the MRTC and the shortage of money for 2011. They are still working on funds to be utilized this year.

- Minutes:

Office Mgr asked chair to continue to hold off on the minutes of June 28th Jennifer stated they would be voting on the tonight.

Steve Wentzell Motioned to approve the minutes of June 3rd, 2010 as written

Peter Johnston 2nd VOTE 5-0 All in Favor

Steve Wentzell Motioned to approve the minutes of June 23, 2010 as written

Peter Johnston 2nd VOTE 5-0 All in Favor

Chair asked for a motioned to approve the amended minutes of June 28th

Peter Johnston "so Moved" Susan Sullivan (office Mgr.) stated she was not provided a copy of amended minutes and would like the board to hold off on voting on these minutes. Steve asked if they should wait to vote on these. The Chair stated she wanted these voted on as

they heard from counsel and she had provided amended copies to board members. Mark stated he did not remember a vote being taken to adjourn before the conversation ensued as original minutes stated. The chair assured him they did vote and would like a second...Glen Garber stated he would like to put this behind him.

Glenn Garber 2nd VOTE 5-0 All in Favor

Chair to contact Becky (Concom) regarding Stormwater info.

Jennifer Gibbons Motioned to adjourn

Peter Johnston 2nd VOTE 5-0 All in Favor

Adjourn 9:50