



PLANNING BOARD  
1 MAIN STREET  
AYER, MA 01432  
PHONE: 978-772-8218 FAX: 978-772-3017  
[HTTP://WWW.AYER.MA.US](http://www.ayer.ma.us)

## PLANNING BOARD MINUTES

November 4, 2010  
Ayer Town Hall  
1 Main Street  
Ayer, MA. 01432

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

### General Business:

7:00 PM Chair called the meeting to order and read over agenda items.

### Cont.Public Hearing: Site Plan Review-Calco LLC 200 West Main Street

Cal Goldsmith/GPR Engineering

Calvin Moore/owner

Mr. Goldsmith presented a modified plan depicting the Aquifer Protection District/Devens and stated he has spoken with P. Lowitt from Devens Enterprise Commission regarding rain gardens, loam, sand, roof drains etc. all acceptable.

-Planning Board would like something in writing from them.

-Maintenance Plan (DPW superintendent reviewing)

-Dumpster will be moved in order to free up 6 more parking spaces.

-Parking spaces provided will be 36 +1 handicap space

-Lighting will be adjusted to add more coverage for shaded areas in rear.

-Fencing for buildings.

Ms. Gibbons stated she was disappointed that BOH was not involved with the Devens Board regarding Aquifer. Prot. Ms. Spinner (BOH-Chair) stated there is no involvement in Ayer's zone 2 and therefore of no concern to the Ayer BOH.

#### Public input:

Karen Baldino (Dan's Place/Mgr.) concerned about parking for their business on weekends (75 seats) as the parking lot is shared. Cal Goldsmith will speak to Gabe Velente (Building Insp.) to be sure they have enough spaces per regulation.

Peter Johnston Motioned to continue the Public Hearing for Calco, LLC Site Plan Review at 200 W. Main Street to December 2<sup>nd</sup>, 2010 at 7:00PM.

Steve Wentzell 2<sup>nd</sup>

VOTE 5-0

All in Favor

### Cont. Public Hearing: Definitive Subdivision -Emily's Way off Groton Harvard Rd.

Modified plan rec'd yesterday. Planning Board will continue PH to allow review time for consultants.

-Proponents are meeting with Dan Nason (DPW-Super) and would like to meet with Planning after that.

-Ms. Gibbons concerned with additional monies needed for the continued peer review.

-Atty. Gould stated they have the funds now but would like to get a better idea of how much is needed at a time rather than expending a full amount without knowing. They will speak to Hamwey Engineering to get a better idea and will submit funds accordingly. Glenn Garber Motioned to continue the Public Hearing for Emily's Way Definitive Subdivision to November 16<sup>th</sup>, 2010 at 7:00 PM.

Peter Johnston 2<sup>nd</sup> VOTE 5-0 All in Favor

- Brian Wielbrennan: regarding driveway access thru Shelly Lane.

Planning Board suggested looking into hiring a surveyor and the registry of deeds.

8:05 PM **Public Hearing: Amendments to the Subdivision Rules and Regulations**

Steve Wentzell (PB Clerk) read legal ad into the record

“In accordance with the provisions of MGL Ch. 41, Section 81Q, the Planning Board will conduct a public hearing on Thursday, November 4, 2010 at 8:00 p.m. at the Ayer Town Hall, 1 Main St., Ayer, MA to consider amendments to the Town of Ayer Subdivision Rules & Regulations. Copies may be viewed at the Town Hall T-F during regular business hours”.

Motions for each amendment (attached) as follows:

Glenn Garber Motioned to amend section 2A as proposed except striking “applicant must be owner of land”.

Mark Fermanian 2<sup>nd</sup> VOTE 5-0 All in Favor

Mark Fermanian Motioned to accept 3B1C as written.

Glenn Garber 2<sup>nd</sup> VOTE 5-0 All in Favor

Mark Fermanian Motioned in 3B1D to strike “bill directly” and replace it with “borne by” .

Glenn Garber 2<sup>nd</sup> VOTE 5-0 All in Favor

Mark Fermanian Motioned to accept 3B2J as written.

Peter Johnston 2<sup>nd</sup> VOTE 5-0 All in Favor

Mark Fermanian Motioned to accept 3B2L as written.

Peter Johnston 2<sup>nd</sup> VOTE 5-0 All in Favor

Mark Fermanian Motioned to accept 3B7B as written.

Peter Johnston 2<sup>nd</sup> VOTE 5-0 All in Favor

Mark Fermanian Motioned to accept 3B7C as written.

Peter Johnston 2<sup>nd</sup> VOTE 5-0 All in Favor

Mark Fermanian Motioned to modify 3B7”G” to “E” and change the word “should” to “Shall”.

Peter Johnston 2<sup>nd</sup> VOTE 5-0 All in Favor

Mark Fermanian Motioned to modify 3B10 by omitting the words “billed directly”

Peter Johnston 2<sup>nd</sup> VOTE 5-0 All in Favor

Mark Fermanian Motioned to place on hold for clarification 4A1.

Peter Johnston 2<sup>nd</sup> VOTE 5-0 All in Favor

Mark Fermanian Motioned to place 4A2A on hold for clarification.

Peter Johnston 2<sup>nd</sup> VOTE 5-0 All in Favor

Mark Fermanian Motioned to accept 5F2C as written.

Peter Johnston 2<sup>nd</sup> VOTE 5-0 All in Favor

Mark Fermanian Motioned to place 5G on hold for clarification.

Peter Johnston 2<sup>nd</sup> VOTE 5-0 All in Favor

Mark Fermanian Motioned to accept 5H1 as written.

Peter Johnston 2<sup>nd</sup> VOTE 5-0 All in Favor

Mark Fermanian Motioned to place 5J on hold for clarification.

Peter Johnston 2<sup>nd</sup> VOTE 5-0 All in Favor

Mark Fermanian Motioned to accept 5K as written.

Peter Johnston 2<sup>nd</sup> VOTE 5-0 All in Favor

Steve Wentzell motioned to close the public hearing on the proposed amendments.

Mark Fermanian 2<sup>nd</sup> VOTE 5-0 All in Favor

- **Rick Roper/Ridge View Heights (2B) Bond establishment (Triparty)**

Ms. Gibbons read Dan Nason's (DPW/Superintendent) recommendations into the record:

"Dear Ms. Sullivan:

At the request of Mr. Richard Roper of Crabtree Development I have reviewed the proposed bond amount for the above-mentioned project as presented (attached Application No. 5). After careful review of the schedule of disbursement and a brief site visit I find the values to be reasonable given the work completed to date and the amount of work remaining. In summary, I recommend a bond be established for the Pingry Hill Development (Phase 2B) in the amount of \$270,043.00 (\$245,430.00 + \$25,000 contingency). A contingency shall not be released until all record as-builts and associated documents are released to the Town after completion of the entire project.

If you have any questions or require any additional information, please feel free to contact me."

Mark Fermanian Motioned to establish a bond for 2B Ridge View Heights as approved and recommended by DPW superintendent, Dan Nason in the amount of \$270,043.00 (\$245,430.00 + \$25,000 contingency).

Steve Wentzell 2<sup>nd</sup> VOTE 5-0 All in Favor

Rick Roper and Steve Mullaney (Mullaney Engineering) addressed the issue of the land to be "Gifted" to the town. They will issue a letter to the BOS and copy PB. Ms. Gibbons will check with former Chair Ms. Hughes to see what the past PB had in mind when discussing the gift of land.

- **David Belanger/Marshall property looking to re-zone.**

PB explained the need for a citizens Pet. And PB support at Town Meeting or he is welcome to come to the meeting on Dec 2<sup>nd</sup> regarding zoning and the possibility of rezoning that area as a small business zone not parcel based which would be considered spot zoning.

**Administrative Business:**

Steve Wentzell motioned to authorize payment for the legal ad for the amendments to the Subdivision Rules and Regs. to the Sun News for \$169.40

Mark Fermanian 2<sup>nd</sup> VOTE 5-0 All in Favor

Steve Wentzell motioned to authorize payment to K&P for legal services in the amounts of \$157.50, \$122.50, \$35.00.

Glenn Garber 2<sup>nd</sup> VOTE 5-0 All in Favor

Peter Johnston Motioned to approve the minutes from October 7<sup>th</sup> as written.

Glenn Garber 2<sup>nd</sup> VOTE 5-0 All in Favor

Mr. Garber or Ms. Gibbons will be contacting Judi Barrett regarding zoning by-law read-thru and the next meeting date.

Peter Johnston motioned to adjourn

Mark Fermanian 2<sup>nd</sup> VOTE 5-0 All in Favor

Adjourn