



PLANNING BOARD MINUTES

Tuesday, November 16, 2010

Ayer Town Hall
1 Main Street
Ayer, MA 01432

Members Present: Jennifer Gibbons, Chair (minutes)
Glenn Garber, Vice Chair
Steve Wentzell, Clerk
Peter Johnston

Absent: Mark Fermanian

7:00 PM Chairwoman Jennifer Gibbons opened the meeting of the Ayer Planning Board.

PUBLIC HEARING CONTINUATION - EMILY'S WAY DEFINITIVE SUBDIVISION

7:06p.m. Chair Jennifer Gibbons reconvened the public hearing for the proposed Emily's Way Definitive Subdivision.

Also Present: Attorney Christopher Heep – Miyares & Harrington
Matthew Fields (MEMS)
Attorney Sherrill Gould
Stephen J. Mullaney, P.E. Mullaney Associates

Chair Jennifer Gibbons explained that purpose of tonight's public hearing is to receive an update from the Town of Aye DPW Superintendent Dan Nason regarding scope of services for the peer engineering review contract for this project and hear from the applicant about willingness to proceed.

Due to a scheduling conflict Dan Nason was unavailable to attend tonight's meeting; however he forwarded a letter to the Planning Board dated November 15, 2010 recommending the revised plans and drainage calculations be reviewed by Mr. Fred Hamwey of Hamwey Engineering, Inc. since there have been substantial design changes (layout, grading, earth removal, sub-basins, etc.) up-gradient of Station 5+00, which affects the hydraulics of the downstream drain network and attenuation facilities.

Mr. Nason further recommended that Planning Board employ GeoInsight for Task 1 - Initial Desktop Paper Study (as outlined in their proposal dated September 7, 2010), at a minimum, to evaluate any impacts the proposed subdivision may have to the hydrology and hydrogeology.

Attorney Gould stated that her clients and Mr. Mullaney met with DPW Supt. Dan Nason last week. She stated that Mr. Nason agreed that there weren't any substantial changes on the modified subdivision plans from the original filing. Atty Gould and believes the estimate to complete the review of this project will be reduced.

Chair Gibbons questioned the status of funds in the Peer Review Account stating that the past practice of the Planning Board is to secure a minimum of \$5,000.00 per review. Although it's the same project it is a new plan triggering a new level of review. Ms. Gibbons then requested an additional deposit of \$5,000.00.

Mr. Field expressed his concern about \$5,000.00 being excessive.

Mr. Mullaney stated that Phase I Desktop Review by GeoInsight, was estimated at between \$1,000 and \$2,000.00.

It was agreed that the Planning Board Chair/Vice Chair will contact Fred Hamwey as soon as possible to obtain updated estimate to complete the review including services by GeoInsight.

Attorney Gould stated that she will forward a letter confirming that the applicant has agreed to submit additional funds for the revised plan drainage calculations to be reviewed by Hamway, as well as a Phase I Desktop Review by GeoInsight, estimated at between \$1,000 and \$2,000.00.

The Planning Board agreed to contact Fred Hamway to obtain updated estimates and as soon as funding is secured the board will officially engage the consultants to proceed with their review and make preparations for the next scheduled public hearing date on December 2, 2010

Comments from Abutters/Interested Parties:

George Haynes – stated that the Planning Board staff refused to release the modified subdivision plans therefore his engineer could not begin his review until a few days ago after receiving permission from the selectmen' office to copy the plans.

Ms. Gibbons apologized stating the plans have been discussed and displayed at our last two meetings therefore are considered public record and should have been made available to the public for photocopying purposes.

Mr. Haynes requested that his letter prepared by Stan Dillis, P.E. be provided to Fred Hamwey for his comments at the next public hearing.

Resident at 34 Groton Harvard Road questioned what types of assurance as a direct abutter will he get that the proposed homeowners association will comply with the annual maintenance of the catch basins and detention basins? What if they do not comply resulting in his basement being flooded? What if the project goes bankrupt and only one or two houses get sold...

Attorney Gould explained that there will be a Restrictive Covenant which are deed restrictions controlling the lot releases and no lots would be released until all conditions stipulated by the Planning Board are met. She further explained the Homeowners Association will be required to carry insurance in the event they fail to perform required maintenance and damages result then a damages claim should be filed accordingly.

Glenn Garber explained that it is illegal to re-direct stormwater flow on to someone else's property or to exceed the original capacity of the site in terms of volume. . The proposed stormwater management system will be reviewed by an outside engineering firm to ensure that it is designed properly for preconstruction conditions and post construction.

Glenn Garber motioned to continue the Public Hearing for Emily's Way Definitive Subdivision to December 2, 2010 at 7:30 PM. The motion was seconded by Steve Wentzell. VOTE 4-0 All in Favor

FUTURE AGENDA ITEMS:

Zoning Bylaws Revisions Update - The Board agreed to schedule a "clinic" Wednesday, December 8th, 2010 at 7p.m. The purpose of this working session is to perform a 2nd reading of proposed revisions to the zoning by-laws as recommended by Judi Barrett/Community Opportunities Group (COG).

Note: Invitations to be the Dec. 8th Clinic shall be sent to all Town Boards and Committees along with a copy of the 2nd draft zoning bylaw amendments.

The Board agreed it is importance to reach consensus among all Town Departments/Boards/ Committees prior to advertising public forums and the required public hearing.

When the board receives the final draft copy, the Planning Board agreed to post/advertise a public workshop to be held in the month of January and encourage residents and business owners to attend. The public hearing would be held sometime in February in preparation for inclusion on the May Annual Town Meeting Warrant.

Meeting Reminder - Friday, November 19th at 8:30a.m. Re: continued discussion with Pondview and Autumn Ridge residents.

MEETING ADJOURN